

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** University of St. Thomas **FILE #** 10-123-489
 2. **APPLICANT:** University of St. Thomas **HEARING DATE:** April 15, 2010
 3. **TYPE OF APPLICATION:** Conditional Use Permit
 4. **LOCATION:** 2115 Summit Ave., University of Saint Thomas campus (area bounded by Selby, Cleveland, Grand, Cretin, Mississippi River Blvd., Goodrich, and Summit)
 5. **PIN & LEGAL DESCRIPTION:** 052823140003, Section 5 Town 28 Range 23 Subj To Sts & Esmts; Vac Sts & Alleys Accruing & Ex 4 Tracts Desc In T S Docs 607513 651931 & 663617; the Fol; Blks 53 & 54 Desnoyer Park & The Se 1/4 Of Ne 1/4 Of Sec 5 Tn 28 Rn 23
 6. **PLANNING DISTRICT:** 13 **PRESENT ZONING:** R2
 7. **ZONING CODE REFERENCE:** 65.220(b); §61.501; §61.502
 8. **STAFF REPORT DATE:** April 7, 2010 **BY:** Josh Williams
 9. **DATE RECEIVED:** April 7, 2010 **60-DAY DEADLINE FOR ACTION:** June 6, 2010
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- A. **PURPOSE:** Modification of a conditional use permit for required proximity of parking spaces to athletic facilities.
- B. **PARCEL SIZE:** Bldg. footprint (including underground parking, approx. 92,800 sq. ft. (2.13 acres); the campus in total covers approx. 90 acres.
- C. **EXISTING LAND USE:** Parking Lot/Campus (R2)
- D. **SURROUNDING LAND USE:**
 - North: Campus (R2)
 - East: Campus (R2)
 - South: Campus (R2)
 - West: Single-family residential (R2)
- E. **ZONING CODE CITATION:** §65.220(b) lists special distance and availability conditions for parking for theaters, auditoriums, and sports arenas located on college or university campuses. §61.501 lists general conditions that must be met by all conditional uses; §61.502 authorizes the planning commission to modify any or all special conditions after making specified findings.
- F. **HISTORY/DISCUSSION:** A conditional use permit was issued in 1990 which established St. Thomas' campus boundaries, established building heights and setbacks, and provided for monitoring of compliance with off-street parking requirements. The CUP was modified in 1995, and amended in 2004 to cover the inclusion and potential eventual redevelopment of the two blocks bounded by Cleveland, Summit, Cretin, and Grand.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 13 Council has not made a recommendation as of the writing of this report. However, District 13 is represented on WSNAC, the neighborhood caucus of which has provided written comments included with this report.
- H. **FINDINGS:**
 1. The University of Saint Thomas is proposing to build a new student center. The Anderson Student Center (ASC) will be located on the south campus, at the NE corner of the intersection of Summit and Cretin Avenues. Currently under construction is the Anderson Athletic and Recreation Complex (AARC), located on the north campus generally on the former site of Schoenecker Arena, Coughlan Field House, and Foley Theater. Together, the two new buildings will result in the loss of parking lots E, F, and H, totaling 496 spaces. In 2009, the Anderson Parking Facility, was opened on the south campus, just west of the intersection of Grand and Cretin Avenues. This ramp provides 725 off-street parking spaces.
 2. §65.220(b) requires that *a theater, auditorium or sports arena located on a college, university or seminary campus must provide off-street parking within six hundred (600) feet of the building to be served as measured from a principal entrance to the building to the nearest point of the off-street parking facility. The planning commission, after public hearing, may determine that the*

existing parking provided by the institution... meets this parking requirement based upon following:

(1) The spaces are within six hundred (600) feet of the building they are intended to serve...; and

(2) It can be demonstrated by the institution that the spaces are not needed by students and employees during times when events attracting non-students and employees are to be held.

Per §63.207, stadia and sports arena require off-street parking in the amount *1 space per 4 seats or 8 feet of benches plus 1 space per 2 employees*. Based on this requirement, a total of 890 off-street spaces are required for O'Shaughnessy Stadium, included parking for up to 250 seats (238 proposed) on the planned veranda addition attached to the AARC. With the loss of 496 spaces from the north campus, St. Thomas will fall short of this requirement by 471 spaces. This calculation assumes availability of a portion of existing off-street parking on campus and within 600 feet of the stadium is available (i.e., not in use by employees or students) on Friday nights and Saturday afternoons, when football games are held in the stadium. The planned 115 to 118 spaces of underground parking to be built with the student center will reduce this shortfall by approximately 25%; St. Thomas proposes to provide the remainder of the required parking in the new Anderson Parking Facility, located approximately 1100-1200 feet away from the stadium. Modification of the 600 foot requirement is allowed under §61.502, provided criteria listed therein are met.

3. Prior to this application, the proposed ASC and AARC projects were reviewed under the Minnesota environmental review process through an environmental assessment Worksheet (EAW). The EAW identified a number of potential impacts of the projects, as well as a number of strategies to ameliorate these potential impacts. In addition, neighborhood representatives on the West Summit Neighborhood Advisory Council (WSNAC) have identified a number of concerns related to the project and have acted as a caucus to endorse/call for specific project changes and mitigation strategies. City staff from a number of departments reviewed the project plans and the EAW findings and recommendations during and subsequent to the environmental review process. Based on these reviews, City staff have requested, and the project proposer has agreed to, inclusion in the project of specific improvements to the physical environment, and commitment by the project proposer to specific future planning activities and operation practices, all subject to Planning Commission approval. These include pedestrian environment improvements to the intersection of Summit and Cretin Avenues, traffic signal upgrades at the intersections of Cretin Avenue with Summit Avenue and with Grand Avenue, development of a campus-wide transportation demand management plan (TDMP), implementation of an event-management plan for parking and vehicular and pedestrian movement, and provision of 115 to 118 parking underground parking spaces beneath the proposed student center.
3. Planned improvements to the pedestrian environment at the intersection of Summit and Cretin Avenues have been recommended for approval by staff from all appropriate City departments through the site plan review process, and are scheduled for hearing before the Heritage Preservation Commission (HPC) on April 8, 2010. Plan showing proposed modifications included with this report.
4. Traffic signal upgrades (including pedestrian signals) have been recommended for approval by public works staff, and a memorandum detailing the changes is included with this report. Improvements are subject to HPC public hearing and approval on April 8, 2010.
5. St. Thomas has agreed to work with City staff and WSNAC, with technical advice from St. Paul Smart Trips, on the development of a TDMP. The plan will be completed and approved by City staff by a mutually agreed upon date, to be no later than June 30, 2011.
6. St Thomas has proposed a plan for management of parking and traffic (including pedestrian

movement) associated with major events. The proposed plan was included with this application and will be adopted as an adjunct to the TDMP.

7. St Thomas has submitted preliminary plans for a proposed 115 to 118 parking spaces to be located underneath the proposed student center and the adjacent plaza to the northeast. The final number of parking spaces will be determined subject to finalization of structural and mechanical design work.
8. §61.501 lists five standards that all conditional uses must satisfy:

(1) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* This condition is met. Other than the impact on stadium parking, the proposed student center is consistent with the terms of the 1990/1995 campus conditional use permit. Policy 1.57 of the Land Use Plan encourages *communication between educational institutions and residents of the community when those institutions seek to expand or make significant changes to their campuses.* In the case of St. Thomas, this communication process occurs in the forum created by WSNAC.

Recommendation 5 of the Macalester-Groveland Community Plan Summary is to *work to resolve parking problems to lessen tension caused by conflict between residential, institutional and commercial uses.* St. Thomas and City staff have worked together to develop project specifications that represent a good faith effort within site constraints to see that all campus parking needs are met. WSNAC has been an important part of this process, and is supportive of any additional parking beyond the originally proposed 30 spaces that can be included with the project.

(2) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. The EAW traffic analysis assumed the originally proposed 30 spaces on underground parking associated with the student center, as opposed to the currently proposed 115 to 118 spaces. This analysis of existing and project build traffic flow found that with proposed signal and intersection upgrades, all affected streets and intersections should continue to function at an acceptable level of service. It is the opinion of Public Works that the project as proposed, including the additional parking, will not significantly negatively impact traffic operations on or around the campus.

The shifting of parking from the north campus to the south campus resulting from construction of the student center will lead to additional pedestrian traffic at the intersection of Summit and Cretin Avenues. The proposed physical and signal-related intersection improvements, agreed to by City staff and the project proposer with input from WSNAC, will help to allow efficient and safe pedestrian navigation of the intersection despite the higher pedestrian volumes. Intersection and signal changes were designed to balance better pedestrian movement with minimization of impact on the flow of vehicular traffic; increased vehicular wait times can decrease intersection level of service and lead to hazardous operations.

Implementation of the proposed event management plan will ensure that sufficient resources needed to manage the pedestrian traffic and parking demands associated with potentially large athletic events are in place.

(3) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* This condition is met. The proposed student center is located within the Summit Avenue West Historic District, and is subject to approval by the HPC. The proposed student center itself is also consistent with the terms of the 1990/1995 campus conditional use permit in regard to height and setback. Proposed intersection and signal improvements are designed to help mitigate any potential impacts to pedestrian or vehicular traffic, thereby protecting the safety of the

general public. The event management plan proposed by the applicant, along with the proposed TDMP, will also help to mitigate any impacts to the general public welfare.

(4) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition can be met. College, seminary and university campuses are a conditional use in residential districts in the City of Saint Paul. The proposed use is generally consistent with the conditions of the St. Thomas conditional use permit, and the proposed project modifications and other improvements and practices will act to mitigate any potential impacts associated with the project. The project, including modification of the special condition contained in §65.220(b)(1), should not impeded the continued orderly development and improvement of the surrounding residential districts.

(5) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition can be met, subject to modification of the special condition contained in §65.220(b)(1).

4. The planning commission may approve modifications of special conditions when specific criteria of §61.502 are met: *strict application of such special conditions would unreasonably limit or prevent otherwise lawful use of a piece of property or an existing structure and would result in exceptional undue hardship to the owner of such property or structure; provided, that such modification will not impair the intent and purpose of such special condition and is consistent with health, morals and general welfare of the community and is consistent with reasonable enjoyment of adjacent property.* This finding can be met. St. Thomas is a large institution located in the middle of a largely residential area. While the overall off-street parking requirement for the campus is met, athletic events have the potential to draw large crowds to the campus, and therefore facilities for these events carry a separate and additional off-street parking requirement.

The proposed student center project is generally consistent with the St. Thomas campus conditional use permit and with the zoning code as it applies to St. Thomas and its campus as a whole. However, as noted, the project will result in St. Thomas being out of compliance in regard to parking for O'Shaughnessy Stadium. St. Thomas has made a reasonable attempt to meet the requirements of §65.220(b) within the constraints presented by the site. Due to shallow bedrock and groundwater, it would be difficult if not impossible for additional levels of underground parking to be added to the project. Adding additional above-ground parking would result in either substantial loss of space within the building for other facilities, or the inability to meet the maximum height limits of the 1990/1995 conditional use permit. Extending the underground parking garage beyond the squared-off footprint of the proposed student center would present substantial engineering and cost challenges. Taken together, these limitations restrict the options available for accommodating parking on the student center site.

I. STAFF RECOMMENDATION: Based on the above findings, staff recommends approval of the modification of a conditional use permit for required proximity of parking spaces to athletic facilities subject to the following additional condition(s):

1. Provision of 115 to 118 underground parking spaces, to be constructed as part of the proposed Anderson Student Center; and
2. Construction of proposed signal and pedestrian environment improvements at the intersections of Cretin Avenue with Summit and Grand Avenues; and
3. Completion of a campus-wide transportation demand management plan (TDMP), to be completed and approved by City staff no later than June 30, 2011.
4. Implementation of the proposed event management plan submitted by applicant for all major

events to be held on campus; and

5. Planning Commission approval of the submitted site plan for the proposed Anderson Student Center; and
6. Heritage Preservation Commission approval of the Anderson Student Center and the proposed changes to the intersection Cretin and Summit Avenues.

**CONDITIONAL USE PERMIT APPLICATION**

Department of Planning and Economic Development
 Zoning Section
 1400 City Hall Annex
 25 West Fourth Street
 Saint Paul, MN 55102-1634
 (651) 266-6389

Zoning office use only

File #

Fee

Tentative Hearing Date

APPLICANT

Name University of St. Thomas
 Address 2115 Summit Avenue
 City St. Paul St. IN Zip 55105 Daytime Phone 651-962-6402
 Name of Owner (if different) _____
 Contact Person (if different) Doug Hennes Phone 651-962-6402

PROPERTY LOCATION

Address / Location 2115 Summit Avenue, St. Paul, MN 55105
 Legal Description _____
 Current Zoning _____
 (attach additional sheet if necessary)

TYPE OF PERMIT: Application is hereby made for a Conditional Use Permit under provisions of
 Chapter 65, Section 220, Paragraph (b) of the Zoning Code.

SUPPORTING INFORMATION: Explain how the use will meet all of the applicable standards and conditions. If you are requesting modification of any special conditions or standards for a conditional use, explain why the modification is needed and how it meets the requirements for modification of special conditions in Section 61.502 of the Zoning Code. Attach additional sheets if necessary.

This is an application to modify the university's 1990 Special Condition Use Permit and the conditions of 65.220(b), per 61.502.

See attached for details.

☒ Required site plan is attached (a campus map is attached)

Applicant's Signature

Date 3/11/2010 City Agent _____

UNIVERSITY OF ST. THOMAS
REQUEST TO MODIFY SPECIAL CONDITION USE PERMIT

March 10, 2010

Introduction

The University of St. Thomas seeks to modify its 1990 Special Condition Use Permit in order to allow existing on-campus parking beyond 600 feet from the primary entrances to O'Shaughnessy Stadium and Schoenecker Arena to be applied to city code parking requirements for those facilities.

The modification is necessary because of the loss of nearly 500 parking spaces in Lots H, E and F due to the construction of the Anderson Athletic and Recreation Complex and the Anderson Student Center, which will open in 2010 and 2012, respectively.

Section 65.220(b) of the city code requires, within 600 feet of primary entrances to the stadium and arena, 1 parking space for every 4 seats or 1 parking space for every 8 bench feet of seating, and Section 63.207 requires 1 parking space per 2 employees of those facilities. This translates into a requirement of 890 parking spaces for O'Shaughnessy Stadium and 379 spaces for Schoenecker Arena. St. Thomas will be able to provide 419 spaces for O'Shaughnessy and thus will be 471 spaces out of compliance, and the 298 spaces for Schoenecker will be 81 spaces out of compliance.

The university seeks to modify its 1990 SCUP under Section 61.502, which states: "The Planning Commission, after public hearing, may modify any or all special conditions, when strict application of such special conditions would unreasonably limit or prevent otherwise lawful use of a piece of property or an existing structure and would result in exceptional undue hardship to the owner of such property or structure; provided, that such modification will not impair the intent and purpose of such special condition and is consistent with health, morals and general welfare of the community and is consistent with reasonable enjoyment of adjacent property."

Rationale for 1990 SCUP modification

St. Thomas believes it is reasonable to count towards the requirement the many parking spaces available just beyond the 600 feet from the primary entrances to the stadium and the arena, and asks the city to consider the following factors:

- At the time the new Anderson Student Center opens, there will be more than 2,580 on-campus parking spaces within easy walking distance, including the 724-space Anderson Parking Facility just 1,100 feet from the stadium.
- All games in the stadium and the arena are held on weeknights or Saturdays, when parking on campus is plentiful.
- The majority of spectators at St. Thomas games are resident students or nearby commuter students who walk to the games.
- Average attendance is well below capacity. In 2008-2009, attendance averaged 3,542 for St. Thomas football games (Saturday afternoon); 2,091 for Cretin-Derham Hall football games

(Friday evenings); 1,116 for St. Thomas men's basketball or men's/women's basketball doubleheaders (Monday and Wednesday evenings and Saturday afternoons); and 284 for women's basketball games (Monday and Wednesday evenings).

The only other events that attract crowds exceeding those at football games are the May undergraduate commencement exercise, attended by up to 10,000 people in the stadium, and two May graduate commencement exercises, each attended by up to 2,500 people in the arena. All commencements are held on one Saturday.

Stadium and arena traffic and parking management plan

In recent years, St. Thomas has developed and carried out plans to more effectively manage parking for games and commencement exercises held in O'Shaughnessy Stadium and Schoenecker Arena.

The plan deploys St. Thomas Public Safety officers and St. Paul Police officers who manage vehicular and pedestrian traffic and direct motorists and pedestrians in the right direction. Cretin Avenue between Grand and Selby avenues is the key area for traffic control.

Here is the existing traffic management plan for football games and how St. Thomas will enhance the plan beginning this fall:

- Officers are stationed along Cretin at key points, including Summit Avenue, the entrance to what was Lot H (and will be the entrance to the student center), and Mississippi River Boulevard. Officers direct cars to free on-campus parking areas (primarily the Anderson ramp on the southwest corner of Grand and Cretin and adjacent Lots O, W and M on the south campus) and direct pedestrians safely across Cretin at the corners.
- For Cretin-Derham football games, St. Thomas provides written communications, including directions to free parking areas, that Cretin-Derham officials share with students, parents and their opponents for that week's game. St. Thomas will enhance its Web site to provide a map with directions to the campus and parking facilities.
- A portable electronic sign is stationed along the west side of southbound Cretin south of Selby directing traffic to free parking in the Anderson ramp and on south campus lots. St. Thomas will add temporary parking signage (e.g., sandwich boards) along northbound Cretin south of Goodrich and westbound Summit and Grand near Cleveland directing traffic to the Anderson ramp and south campus parking lots.
- Pedestrian traffic from the Anderson ramp and south campus parking lots is directed along the west side of Cretin to the north side of Summit, crossing Cretin and proceeding north to the stadium. Police officers prevent jaywalking.
- A St. Paul Police squad car is parked along the east side of Cretin just north of Summit. The right northbound Cretin traffic lane from that point north to the northern edge of the

St. Thomas SCUP modification request

stadium is “coned” off from 11 a.m. to 4 p.m. on Saturday game days and from 6 to 9:30 p.m. on Friday game nights, so northbound vehicular traffic must stay in the left lane. The right-hand lane from the northern edge of the stadium to Selby also is restricted for use by school buses during those hours.

- Left turns are not allowed onto Mississippi River Boulevard from northbound Cretin during the hours that officers are on foot-patrol in the area. This restriction enables northbound Cretin traffic to move efficiently.

St. Thomas also is prepared to carry out a similar plan of action for basketball games in Schoenecker Arena, when necessary. The crowds at those games typically are much smaller (a third or less) than football crowds, but can approach 1,800 people during high-profile games (e.g., St. John’s or late February/early March playoff games).

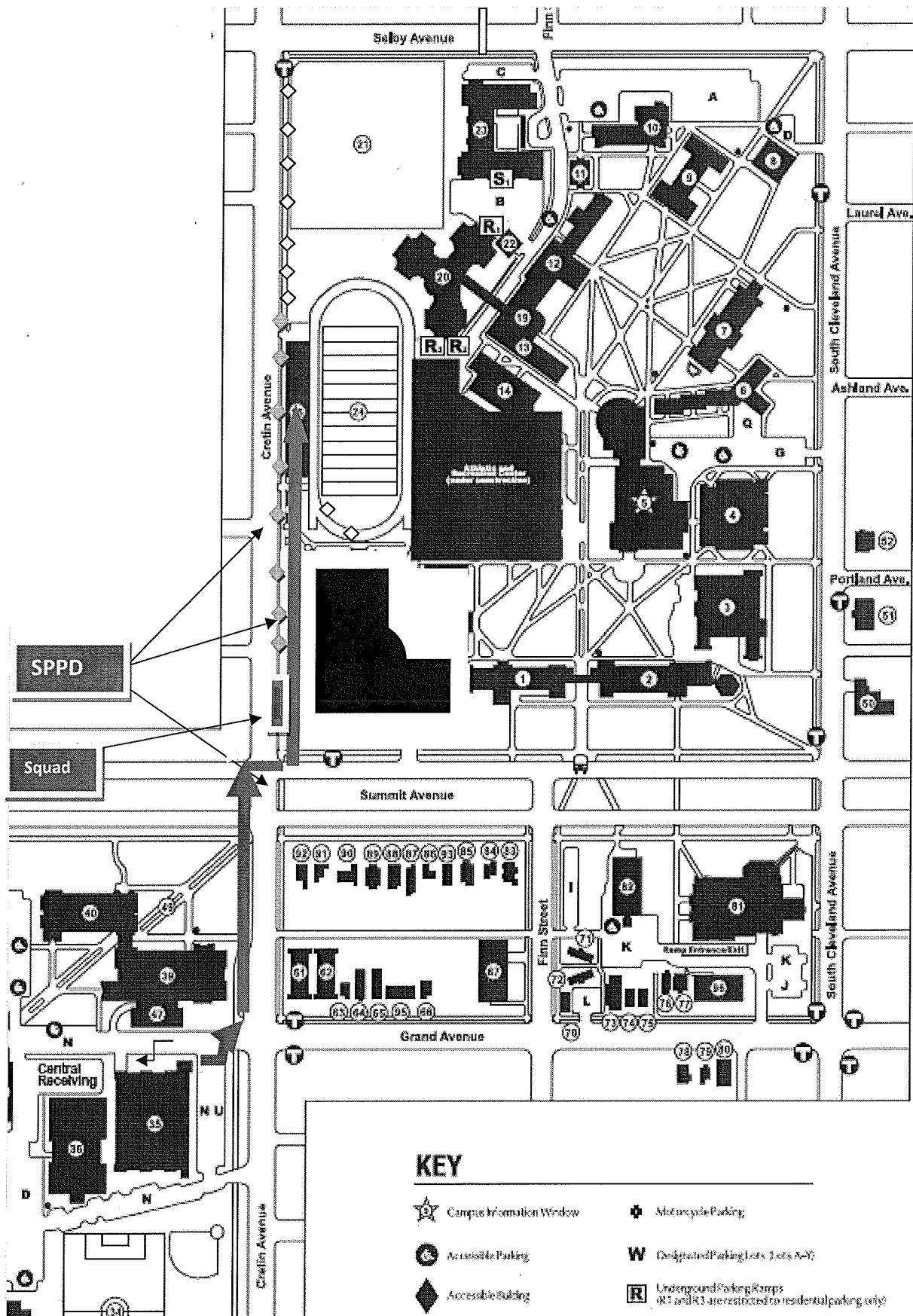
At commencement ceremonies (10 a.m., 3 p. m. and 7 p.m. on a May Saturday), St. Thomas deploys 15-20 public safety officers and six St. Paul police officers to manage vehicular and pedestrian traffic around campus. Motorists are encouraged to use the Anderson ramp and south campus parking lots.

Conclusion

The university’s traffic management plan for stadium and arena events has proven to be very effective. Traffic moves efficiently in and out of campus, and motorists are able to find parking that is close to their destination.

St. Thomas believes the plan will be equally effective in managing traffic with the closing of the main parking lot (Lot H) on the northeast corner of Cretin and Summit avenues. The university further believes that vehicular traffic congestion north of Summit actually will diminish during football games – with only a few parking spaces available under the student center (for those with handicapped access permits or VIP guests), motorists will know they need to proceed directly to parking on the south campus and elsewhere and will not tie up Lot H, Cretin and Summit, as often occurred in the past.

The university respectfully seeks approval for a modification of its Special Condition Use Permit to allow parking spaces beyond 600 feet from stadium and arena entrances to be counted toward meeting its parking requirements for those facilities.



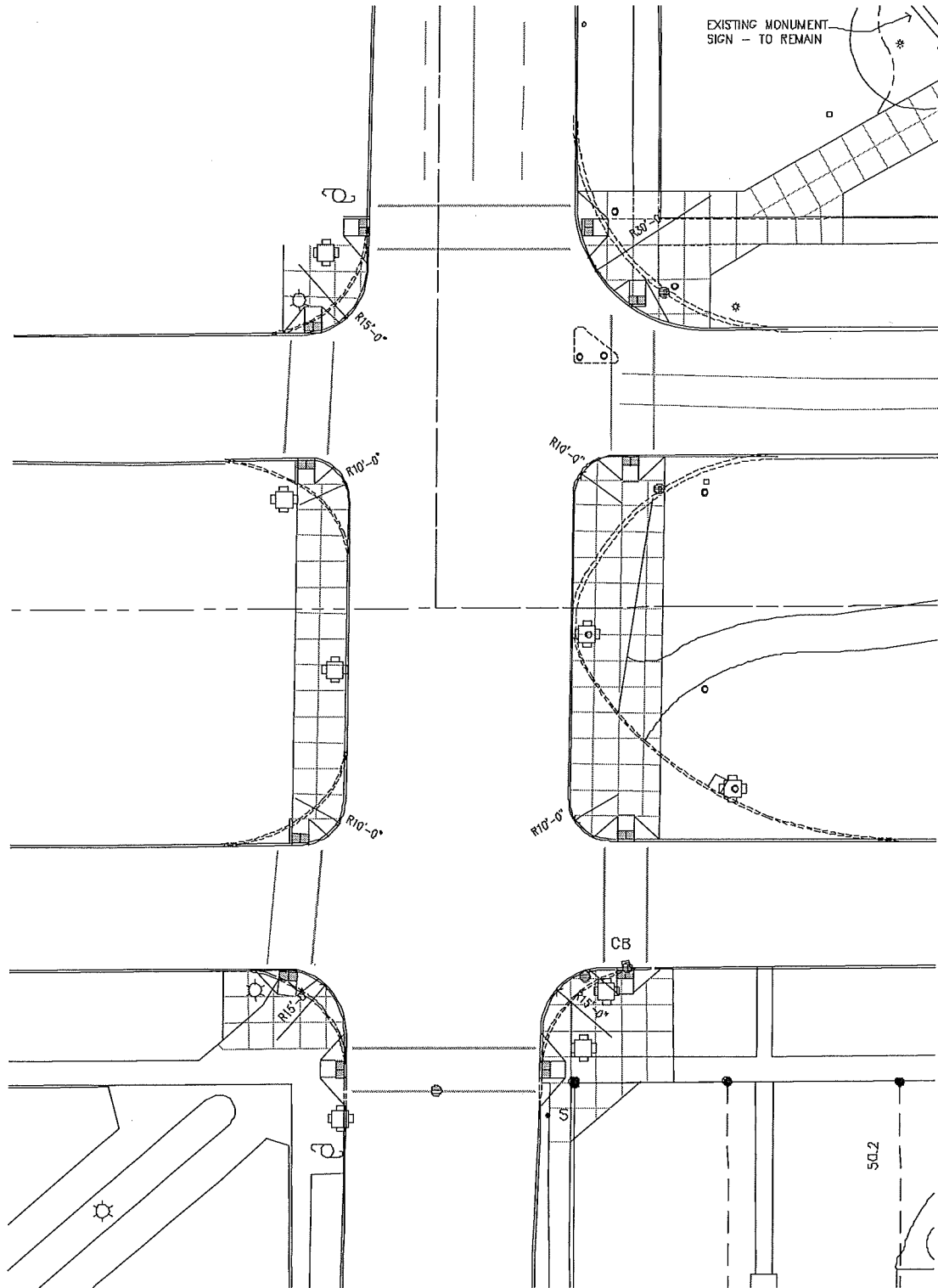
SPPD

Squad

Z:\Managers\Carter\...

Search Desktop

12:32 PM



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ENLARGED SITE PLAN
SUMMIT / CRETIN INTERSECTION

1" = 20'-0"



Josh Williams - File #10-123-489 and 10-122-449

From: "Marla Murphy-Guddal"
To: "Josh Williams"
Date: 3/31/2010 1:46 PM
Subject: File #10-123-489 and 10-122-449

Dear Mr. Williams,

I have received your notice of meeting tomorrow at 3:30 concerning UST request for modification of condition use permit requirement that off-street parking spaces for college athletic facilities be within 600 feet of building to be served.

As a resident on Summit Avenue west of Cretin for 16 years, we have had to fight to protect access/parking to our residence for over 16 years as St. Thomas College decided to become St. Thomas University. This private non-profit, non-taxpaying business has decided to spend it's money on expensive, huge buildings and facilities which draw crowds far in excess of their original purpose, without planning for appropriate parking to accommodate their customers. This has caused incredible stress on the surrounding neighborhoods. And they are allowing other organizations to use their facilities - one memorable night last fall during a high school football game resulted in two traffic accidents on Cretin Avenue, masses of spectators going through yards and alleys to find parking; trash in yards; and calls to police for illegal parking. I can't imagine how these problems will balloon with a new sports area and soon to be Student Center with ballroom. There is no reason why UST cannot build/create more parking spaces for public/student use. Some years ago it was suggested they utilize the space under the football field. They made several excuses why not - particularly the neighbors? My brother owned a house directly across from the field and said there were only two elderly ladies who were against it - and they are both gone. UST will not do what it is not asked to do. They have plenty of money and donors to fund anything they desire. Our neighborhood is on the road to becoming a university waste land if the City does not say NO to UST from time to time and make them accommodate their patrons. I am a private business owner as well - taxpaying however - and I know the City would not accommodate me. UST is not drawing revenue to our neighborhoods in proportion to the taxpayers, to the wear and tear on the infrastructure, and the emotional distress of the neighbors. I am absolutely opposed to their request for modification and recommend the City advise UST to go back to their designers and plan for more parking spaces - preferably free ones for their visitors. Do you realize they get a parking ramp donated for free and then charge their students over \$400 to park in it? Who is running this City??? UST???

Marla Murphy-Guddal
2225 Summit Avenue
St. Paul, MN. 55105
6516491000

From: Kurt Williamson <Kurt.Williamson@jltgroupinc.com>
To: "josh.williams@ci.stpaul.mn.us" <josh.williams@ci.stpaul.mn.us>
Date: 3/23/2010 10:40 PM
Subject: File 10-123-489 and 10-122-440 Univ St Thomas. 3-23. TotallyOppose any proposed parking other than what is totally on St Thomas property. 3-23. -

CC: Kurt Williamson <Kurt.Williamson@jltgroupinc.com>
I received notice of Hearing today regarding modify on cond use permit requirement off street being within 600 ft of bldg. and for the Athletic Facilities. If this request is to use any parking other than all parking being located on the St Thomas premises then this is strictly opposed , all parking needs to be on the premises that they , St Thomas , own and control. Please send additional info on the Site Plan Review for the New Student Center and where their parking will be on Campus for that building. Thank you. Kurt Williamson , 2217 Riverwood Place , Saint Paul 55104. Cell 612-701-8095.

Josh Williams - 2115 Summit Ave Bldg - File # 10-123-489 and 10-122-449

From: Julie Gerend

To:

Date: 3/23/2010 2:54 PM

Subject: 2115 Summit Ave Bldg - File # 10-123-489 and 10-122-449

I can not attend the hearing scheduled for April 1st at 3:30pm but like my comments sent to the Zoning Committee.

I own a home at 117 Cretin Avenue and I would like to show my support for the University of St. Thomas. With my first hand experience I have found the university to be very good neighbors. I have seen first hand the quality of materials and significant money they have spent to put up a parking ramp at Grand & Cretin. Regardless of their efforts you can not mandate common sense. The small amount charged for the ramp is far cheaper than the parking ticket yet many students every day park on our street and gamble with a possible ticket. I would ask the city to approve of this conditional use permit requirement because I believe St. Thomas has taken the proper measures and with come continued enforcement efforts by the St. Paul police parking unit hopefully most behavior is modified to park in the new and beautiful parking ramp on Cretin & Grand.

Sincerely,

Julie Gerend
612-889-1680

Josh Williams - File: #10-123-489 and 10-122-449

From: "Pete Lehner"

To:

Date: 3/23/2010 12:10 PM

Subject: File: #10-123-489 and 10-122-449

I am the property manager for the addresses listed in my signature. I have received the notification. The owners' comments are that they in agreement with the items asked of the City of St Paul by the University of St Thomas in order for UST to grow and improve their campus to better serve and educate their students.

Pete Lehner

For owners of 68, 80, 179 Cleveland Ave N; 2040 Ashland Ave, 2051 Portland Ave

pete@lindsaygroup.com

Saint Paul Zoning Map

Residential
 RL, R1-R4
 One-Family
 RT1
 Two-Family
 RT2
 Townhouse
 RM1-RM3
 Multiple-Family

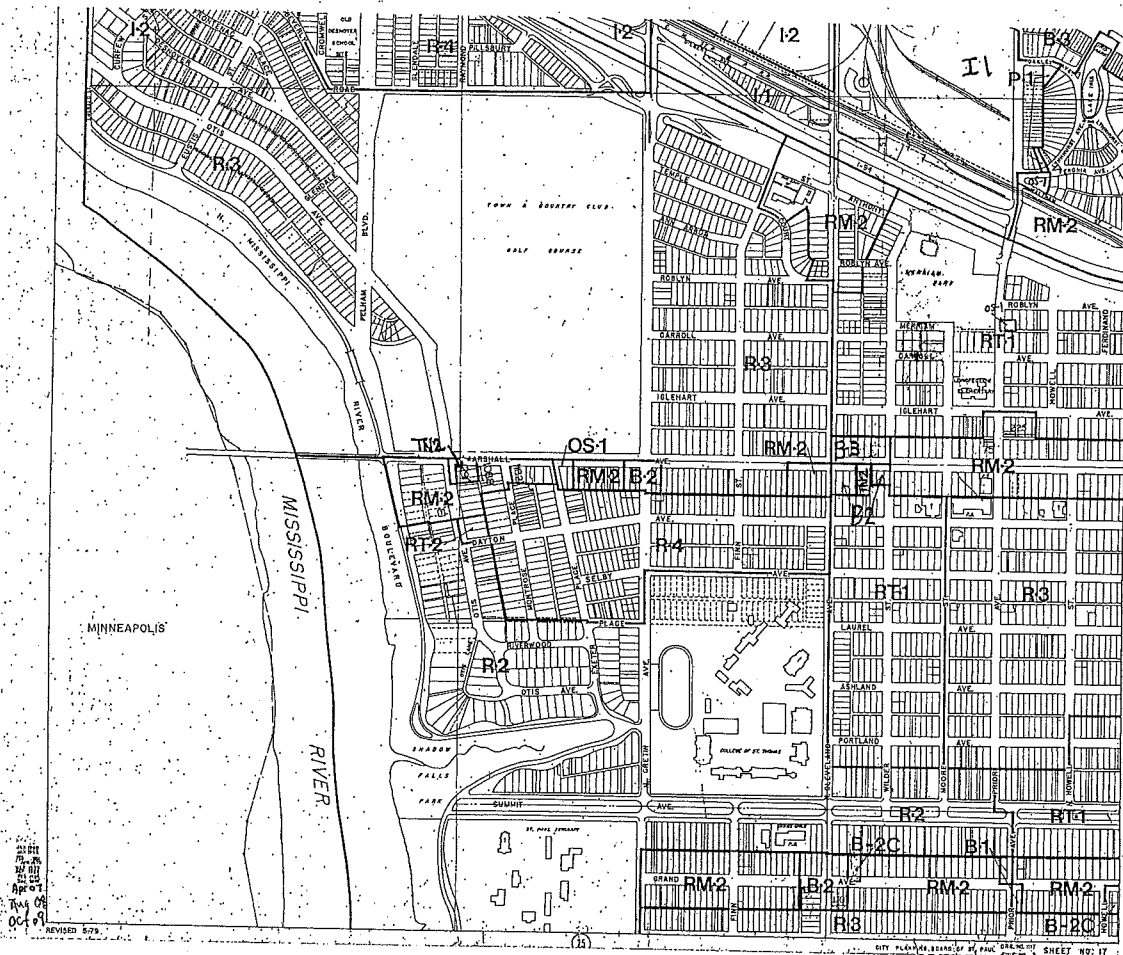
Traditional
Neighborhood
 TN1-TN3
 (mixed use)

Business
 OS
 Office-Service
 BC
 Community
 Business
 (Converted)
 B1-B3
 Business
 B4-B5
 Central Business

Industrial
 IR, II-13
 Industrial

Special
 VP (P-1)
 Parking
 PD
 Planned
 Development

↑
N
17



Saint Paul Zoning Map

Residential
 RL, R1-R4
 One-Family
 RT1
 Two-Family
 RT2
 Townhouse
 RM1-RM3
 Multiple-Family

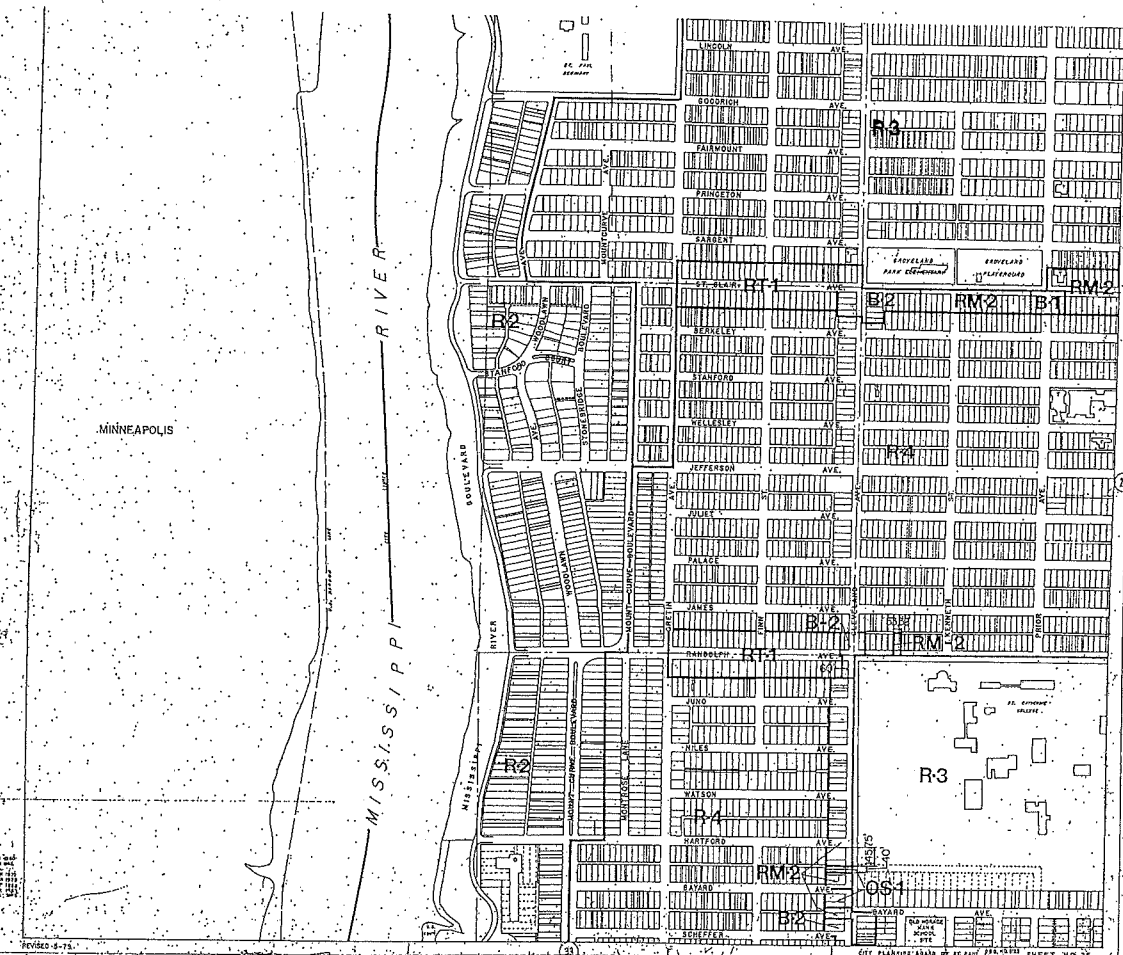
Traditional
Neighborhood
 TN1-TN3
 (mixed use)

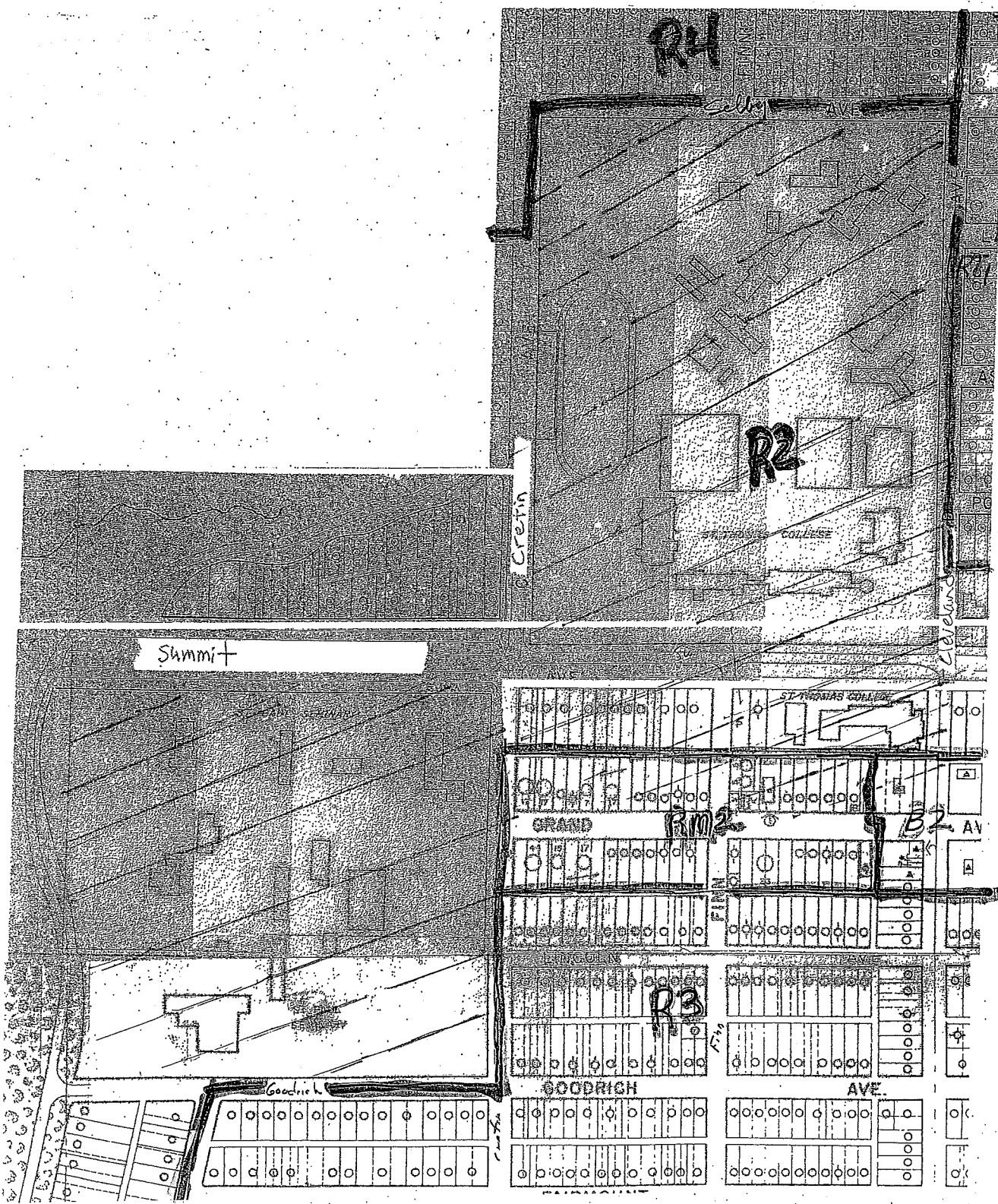
Business
 OS
 Office-Service
 BC
 Community
 Business
 (Converted)
 B1-B3
 Business
 B4-B5
 Central Business

Industrial
 IR, II-13
 Industrial

Special
 VP (P-1)
 Parking
 PD
 Planned
 Development

↑
N
25





APPLICANT University of St. Thomas

PURPOSE Mod of CUP

FILE # 10-123489 DATE 3-17-10

PLNG. DIST 13, 14 MAP # 17+25

SCALE 1" = 400'



LEGEND

zoning district boundary

subject property

one family
 two family
 multiple family

commercial
 industrial
 vacant



ZONING COMMITTEE STAFF REPORT

FILE # 10 122449

1. **APPLICANT:** University of St. Thomas **HEARING DATE:** 4/15/10
 2. **TYPE OF APPLICATION:** Site Plan Review
 3. **LOCATION:** 2115 Summit Ave
 4. **PIN & LEGAL DESCRIPTION:** 052823140002 Section 5 Town 28 Range 23 Com At Se Cor Of Ne1/4 Th N On El 817.35 Ft Th W 342.8 Ft To Beg, Th N 57 Dg 49mn W 52.28 Ft Th W 144.93 Ft Th S 15 Dg 46 Mn W 81.05 Ft Th S 244 Ft Th E 259.7 Ft Th N 219.15 Ft Th E 15.3 Ft Th N 34.85 Ft Th N 57 Dg 49 Mn W To Be
 5. **PLANNING DISTRICT:** 13 **PRESENT ZONING:** R2
 6. **ZONING CODE REFERENCE:** 61.402.c
 7. **STAFF REPORT DATE:** 4/7/10 **BY:** Tom Beach
 8. **DATE RECEIVED:** 2/23/10 **DEADLINE FOR ACTION:** 4/24/10
-

- A. **PURPOSE:** Site plan review for a new student center for the University of St. Thomas
- B. **PARCEL SIZE:** The area impacted by the student center is approximately 4.6 acres (500'x400').
- C. **EXISTING LAND USE:** The site is occupied by O'Shaughnessy Hall and a 402-space parking lot. O'Shaughnessy Hall is currently being demolished. Half of the parking lot has been used for construction staging since work began on the St Thomas Athletic Facility and the rest of the lot was recently closed for work on the demolition of O'Shaughnessy Hall.
- D. **SURROUNDING LAND USE:**
 - North: St. Thomas campus (athletic stadium) (R2)
 - East: St. Thomas campus (R2)
 - South: Single-family residential (R2)
 - West: Single-family residential (R2)
- E. **ZONING CODE CITATION:** 61.402(c)
- F. **PROJECT OVERVIEW:** The site plan calls for a new student center near the northeast corner of Summit and Cretin with approximately 200,000 square feet of floor area and approximately 115 underground parking spaces. The student center would have three floors above grade with a basement. The basement would have recreation rooms, mechanical rooms and some of the underground parking spaces. The main floor would have a student lounge, recreation areas, dining area, student store and delivery docks. The upper floors would have dining area for students living on campus, meeting rooms and a multi-purpose room. A plaza is proposed behind the building. Some of the underground parking would be under the plaza. There would be two main entrances to the building: one facing the plaza and another facing Summit Avenue. Delivery docks, a trash area and the entrance to underground parking would be on the Cretin side of the building.

Work to improve pedestrian safety is also included in the project, including new sidewalks and changes to the median in Summit Avenue.

- G. **DISTRICT COUNCIL RECOMMENDATION:** The University and the neighborhood have had a series of meetings about the project but staff had not heard from District 13 or 14 at the time the staff report was written.
- H. **FINDINGS:** Section 61.402(c) of the Zoning Code says that in "order to approve the site plan, the planning commission shall consider and find that the site plan is consistent with" the findings listed below.

1. *The city's adopted comprehensive plan and development or project plans for sub-areas of the city.*

The site plan is consistent with this finding. Point 1.57 in the Land Use Chapter of the Comprehensive Plan "Encourage[s] communication between educational institutions and residents of the community when those institutions seek to expand or make significant changes to their campuses." There have been on going discussions between St. Thomas and the neighborhood about the student center.

The 1990 Conditional Use Permit for St. Thomas regulates building setbacks and height for this part of the campus. The proposed student center meets these standards.

2. *Applicable ordinances of the City of Saint Paul.*

The site plan requires a modification of a condition to the Conditional Use Permit regulating the location of parking for college stadiums (Section 65.220.b). This condition requires parking for college stadiums to be located within 600' of the stadium. The student center would displace existing parking near the stadium and St. Thomas is proposing to substitute parking in a ramp that is more than 600' away. This will require a modification of the Conditional Use Permit and St. Thomas has applied for this modification. Therefore, a condition of approval for the site plan should be approval of a modification of the Conditional Use Permit.

The site plan is consistent with all other zoning standards, including those for setbacks and building height.

St. Thomas will provide enough parking to be in compliance with its overall off-street parking requirements for the campus even though parking spaces will be displaced by the student center because in addition to the parking proposed as a part of this project, it recently constructed a parking ramp at Grand and Cleveland.

3. *Preservation of unique geologic, geographic or historically significant characteristics of the city and environmentally sensitive areas.*

The south part of the student center and the improvements to the Summit Avenue median would be within the Summit Avenue West Heritage Preservation District. The Heritage Preservation Commission will hold a public hearing on the student center on March 25 and a hearing on the Summit Avenue median on April 8. Therefore, a condition for approval of the site plan should be approval by the Heritage Preservation Commission. (Staff will update the Zoning Committee at the public hearing on the decision by the HPC.)

4. *Protection of adjacent and neighboring properties through reasonable provision for such*

matters as surface water drainage, sound and sight buffers, preservation of views, light and air, and those aspects of design which may have substantial effects on neighboring land uses.

The site plan is consistent with this finding.

Storm water drainage will be handled in a way that does not impact neighboring properties.

The drop-off and delivery area on the Cretin side of the building will be landscaped and screened to minimize the visual impact and noise. The delivery docks and trash area will be recessed into the building so that trucks using them can park inside the building. These areas and the entrance to the underground parking area will be concealed by overhead doors.

The student center will not impact views, light or air to adjacent properties.

5. *The arrangement of buildings, uses and facilities of the proposed development in order to assure abutting property and/or its occupants will not be unreasonably affected.*

The arrangement of the building, the delivery/drop-off area and new sidewalks will not unreasonably affect abutting property.

6. *Creation of energy-conserving design through landscaping and location, orientation and elevation of structures.*

The site plan meets this condition. It calls for extensive landscaping that will help shade the building and pavement.

7. *Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets, including traffic circulation features, the locations and design of entrances and exits and parking areas within the site.*

The site plan meets this condition.

The site plan shows:

- A drop-off lane for passengers near the southwest corner of the building.
- Underground parking for approximately 115 cars
- A dock area for delivery trucks. The docks would be recessed into the building so that trucks using them would be within the building. Most truck deliveries and pickups would be on weekday mornings with 6 to 12 trucks expected per day. This breaks down to approximately 2 to 4 semi's, 2 to 4 double axle trucks, 1 to 4 cube vans and 1 to 2 garbage/recycle trucks. Space is provided on the site so that trucks can maneuver on the site to get to the docks and do not have to back in from the street. (The parking and delivery trucks are described in more detail in an attachment included with the staff report.)
- Two driveways on Cretin Avenue. The south driveway would allow in and out traffic for cars and in-bound traffic for trucks. The north driveway would be right-out only and is intended to be used primarily by trucks leaving the site. To improve pedestrian safety, Public Works Traffic staff required that the width of the driveways on Cretin be no wider than 30'.

The traffic generated by the proposed student center would be less than when the area was used for a large parking lot.

Issues were raised as a part of the EAW about how pedestrian safety would be affected by closing the large parking lot at Summit and Cretin and substituting the parking in the new ramp at Cretin and Grand. This is likely to increase the number of pedestrians crossing Summit Avenue. St Thomas has a plan in place for traffic/parking management during events (including pedestrian movement), as well as plans for dealing with student pedestrian traffic through use of St. Thomas public safety officers and educational materials. In addition, better sidewalks are proposed in the Summit Avenue median at Cretin and the curb line would be changed to improve safety. A new sidewalk leading from the student center to the corner of Summit Cretin is also proposed to discourage people from crossing Summit at mid-block.

Public Works has recommended that St Thomas prepare a Traffic Demand Management Plan. St. Thomas has agreed to this. This should be a condition for approval of the site plan.

8. *The satisfactory availability and capacity of storm and sanitary sewers, including solutions to any drainage problems in the area of the development.*

It appears that the site plan can meet the requirements for sewers and surface stormwater drainage. However, there are still some technical details to be worked out and the sewer and drainage plans have not received final approval from Public Works staff yet.

City regulations require that the basement floor elevation of the building be at least 4' above normal ground water level. However, based on the information submitted so far by the applicant, there are some questions about the ground water level at the site and whether the site plan meets this standard.

Therefore, a condition for approval of the site plan should be final staff approval of the plans for sewers, storm water management and the elevation of basement versus the ground water table.

The Capitol Region Watershed is also reviewing stormwater drainage, in particular how it affects water quality. Their board reviewed the project on March 17 and will consider it again on April 7. Therefore, a condition for approval of the site plan should be approval by the Capitol Region Watershed. (Staff will update the Zoning Committee at the public hearing on the decision by the Watershed.)

9. *Sufficient landscaping, fences, walls and parking necessary to meet the above objectives.*

The site plan calls for extensive landscaping around the building, including landscaping along Cretin Avenue to provide screen the delivery area.

Approximately 115 underground parking spaces are proposed. These spaces will provide convenient parking for events that might be held in the student center. Even without these spaces, the University would still be in compliance with their overall campus parking requirement. However, the site plan requires a modification of a condition to the university's Conditional Use Permit (Section 65.220.b) which requires parking for college

stadiums to be within 600' of the stadium. The student center would displace an existing parking lot near the stadium and St. Thomas is proposing to substitute parking in a ramp that is more than 600' away. This will require a modification of the Conditional Use Permit and St. Thomas has applied for this modification. Therefore, a condition of approval for the site plan should be approval of a modification of the Conditional Use Permit.

10. *Site accessibility in accordance with the provisions of the Americans with Disabilities Act (ADA), including parking spaces, passenger loading zones and accessible routes.*

The site meets the provisions of the Americans with Disabilities Act. It provides accessible access to the building and accessible parking spaces in the basement parking area.

11. *Provision for erosion and sediment control as specified in the ``Ramsey Erosion Sediment and Control Handbook.''*

The site plan meets these standards for erosion and sediment control. The Capitol Region Watershed also reviews the plan for erosion and sediment control. Their board reviewed the project on March 17 and will consider it again on April 7. A condition for approval of the site plan should be approval by the Capitol Region Watershed.

J. STAFF RECOMMENDATION:

Based on the findings above, the staff recommends approval of the site plan for a new student center at 2115 Summit Ave, subject to the following conditions:

1. Approval of a modification of the St. Thomas Conditional Use Permit to allow parking for the football stadium to be moved from this site to a parking ramp that is more than 600' from the stadium.
2. Approval of the plans by the Heritage Preservation Commission.
3. Approval of final plans for utilities, stormwater drainage and basement floor level in relation to the water table by staff from Public Works and Saint Paul Regional Water Services.
4. Approval of the site plan by the Capitol Region Watershed District.
5. St. Thomas must prepare a Traffic Demand Management Plan.

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Kuwaki Wang **FILE #** 10-127-224
 2. **APPLICANT:** Kuwaki Wang **HEARING DATE:** April 15, 2010
 3. **TYPE OF APPLICATION:** Nonconforming Use Permit-Reestablishment
 4. **LOCATION:** 935 Beech St, NW corner at Forest
 5. **PIN & LEGAL DESCRIPTION:** 332922220021; Stinsons Sub Of B111 Lyman Da Lot 30 Blk 111
 6. **PLANNING DISTRICT:** 4
 7. **ZONING CODE REFERENCE:** §62.109(d) **PRESENT ZONING:** RT1
 8. **STAFF REPORT DATE:** April 1, 2010 **BY:** Luis Pereira
 9. **DATE RECEIVED:** March 9, 2010 **60-DAY DEADLINE FOR ACTION:** May 8, 2010
-

- A. **PURPOSE:** Re-establishment of nonconforming use as a 4-unit residential building
- B. **PARCEL SIZE:** 43 ft. (Beech) and a lot area of 5,289 sq. ft. plus ½ alley (423 sq. ft), or (0.13 acres). Total lot area for density purposes is 5,712 sq. ft.
- C. **EXISTING LAND USE:** Three/Four Family
- D. **SURROUNDING LAND USE:**
 - North: Duplex (RT1)
 - East: Single Family Detached house (RT1)
 - South: Single Family Detached house (RT1)
 - West: Single Family Detached house (RT1)
- E. **ZONING CODE CITATION:** §62.109(d) lists the conditions under which the Planning Commission may grant a permit to re-establish a nonconforming use.
- F. **HISTORY/DISCUSSION:** The property has had a series of owners, but its most recent owner was Countrywide Home Loans (now Bank of America). The property has been vacant for more than one year, first put on the City's Registered Vacant Building List on February 20, 2009. Coldwell Banker Burnett Inc., the agent representing the seller, has accepted a purchase agreement on house from a new owner, Kuwaki Wang (also the applicant).
- G. **DISTRICT COUNCIL RECOMMENDATION:** The Dayton's Bluff District 4 Community Council has written a letter of support for this application.
- H. **FINDINGS:**
 1. The applicant, Kuwaki Wang, proposes to re-establish the previous nonconforming use as a 4-unit residential building. According to the applicant, the building has two one-bedroom units on the ground floor and two 2-bedroom units on the upper floor. The smaller of the two bedrooms within the two upper floor units measure 72.2 square feet and 83.8 square feet in size, both of which comply with the Fire Code's minimum gross sleeping room floor area requirement of 70 square feet per occupant.
 2. Section 62.109(e) states: *When a nonconforming use of a structure, or structure and land in combination, is discontinued or ceases to exist for a continuous period of three hundred sixty-five (365) days, the planning commission may permit the reestablishment of a nonconforming use if the commission makes the following findings:*
 - (1) *The structure, or structure and land in combination, cannot reasonably or economically be used for a conforming purpose.* This finding is met. The submitted building plans show two units on each floor across a single common wall; each unit has a simple, rectangular floor plan consisting of one or two bedrooms, a living room, a bathroom, and a kitchen. Given the property's RT1 Two-Family Residential zoning, the property would have to be de-converted to a duplex to be considered a conforming use. According to the pro forma submitted by the applicant, a de-conversion of the property from four to two units would

cost \$200,000, compared to the \$10,000 in improvements to the property if it were to remain as a 4-unit building – the latter including code corrections (plumbing, electrical, heating system corrections) and cosmetic updates (re-painting, new appliances, etc.). The annual cash flow associated with a deconverted, two-unit building is estimated by the applicant to be \$18,000, significantly less than that of a four-unit building, \$24,000.

- (2) *The proposed use is equally appropriate or more appropriate to the district than the previous nonconforming use.* This finding is met. The building was constructed in 1900, and DSI records indicate that the property received a Certificate of Occupancy (C.of O.) in 1979 for residential uses (at that time a C. of O. was only required for residential buildings with four or more units). Records suggest the property was used as a four-unit apartment building until possibly as late as February 20, 2009, when it was put on the City's Registered Vacant Building List as a Category II vacant building. While City records also indicate a series of complaints about property management including property graffiti, inadequate snow removal, rubbish, and tall grass occurring between 2001 and 2009, these complaints do not suggest that the property is inappropriate as a 4-unit residential use.
- (3) *The proposed use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare.* This finding is met. While the lot size does not meet the minimum required for RT1 zoning (3,000 square feet per unit), the property is on a corner lot with good street frontage, alley access, and four off-street parking spaces (i.e. one space per unit). The property is located in an area with a variety of residential and nonresidential uses, including several duplexes across the alley and across Beech Street, the commercial property across the Forest St/Beech St intersection, and a church one block away. If code corrections are completed by the applicant, the proposed four-unit property will not be detrimental to the immediate neighborhood or endanger the public health, safety or general welfare.
- (4) *The proposed use is consistent with the comprehensive plan.* This finding is met, as the property falls within the Residential Corridor Land Use Category of the City's Comprehensive Plan, which calls for a range of residential densities between 4 and 30 units/acre. The proposed 4-unit building is located on a 0.13-acre lot, resulting in a density of approximately 30.7 units/acre, i.e., consistent with the upper end of the density range. In addition, the property is on a corner and is situated in a walkable location less than one quarter mile from East 7th Street, which is designated as a Mixed Use Corridor. The Dayton's Bluff District 4 Plan Summary, approved in 2009, includes recommendations to identify problem properties and develop strategies for addressing issues associated with them; the plan also recommends that within the *Invest Saint Paul* areas, vacant buildings should be rehabilitated and new buildings should be constructed on vacant sites, with input from District 4, as appropriate.
- (5) *A notarized petition of two-thirds of the property owners within one hundred (100) feet of the property has been submitted stating their support for the use.* This finding is met. The petition was found sufficient on March 24, 2010: 15 parcels eligible; 10 parcels required; 10 parcels signed.

The application for the permit shall include the petition, a site plan meeting the requirements of section 61.401, floor plans, and other information as required to substantiate the permit. This finding is met.

- I. **STAFF RECOMMENDATION:** Based on the findings above, staff recommends approval of the re-establishment of nonconforming use as a 4-unit residential building subject to the following conditions:

1. Prior to the property being re-occupied, the applicant must comply with the code correction items identified through a Team Inspection performed by the City's Fire Inspections unit.
2. The number of bedrooms within each of the two residential units on the building's top floor must be reviewed and approved by the Fire Inspections unit.
3. A Certificate of Occupancy must be approved by the City prior to the property being re-occupied.



NONCONFORMING USE PERMIT APPLICATION
Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex
25 West Fourth Street
Saint Paul, MN 55102-1634
(651) 266-6589

Zoning Office Use Only
File #: 10-127224
Fee: 050.00
Tentative Hearing Date:
4-1-10

PD=4

33 292222 0021

APPLICANT

Name KUWAKI WANG
Address 1015 MARYLAND AVE. E.
City ST. PAUL St. MN Zip 55106 Daytime Phone 651-260-9523
Name of Owner (if different) _____
Contact Person (if different) _____ Phone 651-793-9534

**PROPERTY
LOCATION**

Address/Location: 935 Beech St.
Legal Description _____
Current Zoning RT1
(attach additional sheet if necessary)

TYPE OF PERMIT: Application is hereby made for a Nonconforming Use Permit under provisions of Chapter 62, Section 109 of the Zoning Code:

- The permit is for: ☐ Change from one nonconforming use to another (para. c)
☒ Re-establishment of a nonconforming use vacant for more than one year (para. e)
☐ Establishment of legal nonconforming use status for use in existence at least 10 years (para. a)
☐ Enlargement of a nonconforming use (para. d)

SUPPORTING INFORMATION: Supply the information that is applicable to your type of permit.

Present/Past Use: 4 plex

Proposed Use: 4 plex

Attach additional sheets if necessary

CK 4285
650⁰⁰

Attachments as required ☐ Site Plan ☐ Consent Petition ☐ Affidavit

Applicant's Signature Kuwaki Wang Date 03-05-10 City Agent pdd

3-9-10

To whom it may concern

This structure was existed as a 4-plex since 1900. It is not able to converted into Duplex.

There are more than 8 duplex and one comercial building around this property.

This building will be renovated and safe for the neighborhood under the new management.

Truely yours

Kuwaki Wang

ZONING PETITION SUFFICIENCY CHECK SHEET

REZONING

SCUP

NCUP

FIRST SUBMITTED

RESUBMITTED

DATE PETITION SUBMITTED:

3/9/10

DATE PETITION RESUBMITTED:

3/24/10

DATE OFFICIALLY RECEIVED: _____

DATE OFFICIALLY RECEIVED: _____

PARCELS ELIGIBLE:

15

PARCELS ELIGIBLE:

15

PARCELS REQUIRED:

10

PARCELS REQUIRED:

10

PARCELS SIGNED:

5

PARCELS SIGNED:

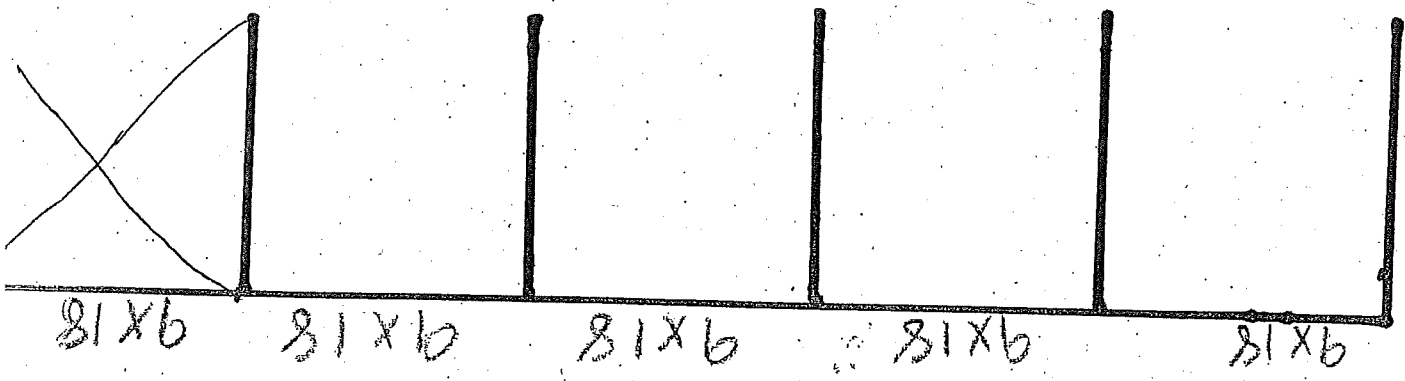
10

CHECKED BY:

Paul Dubruel

DATE:

3-24-10

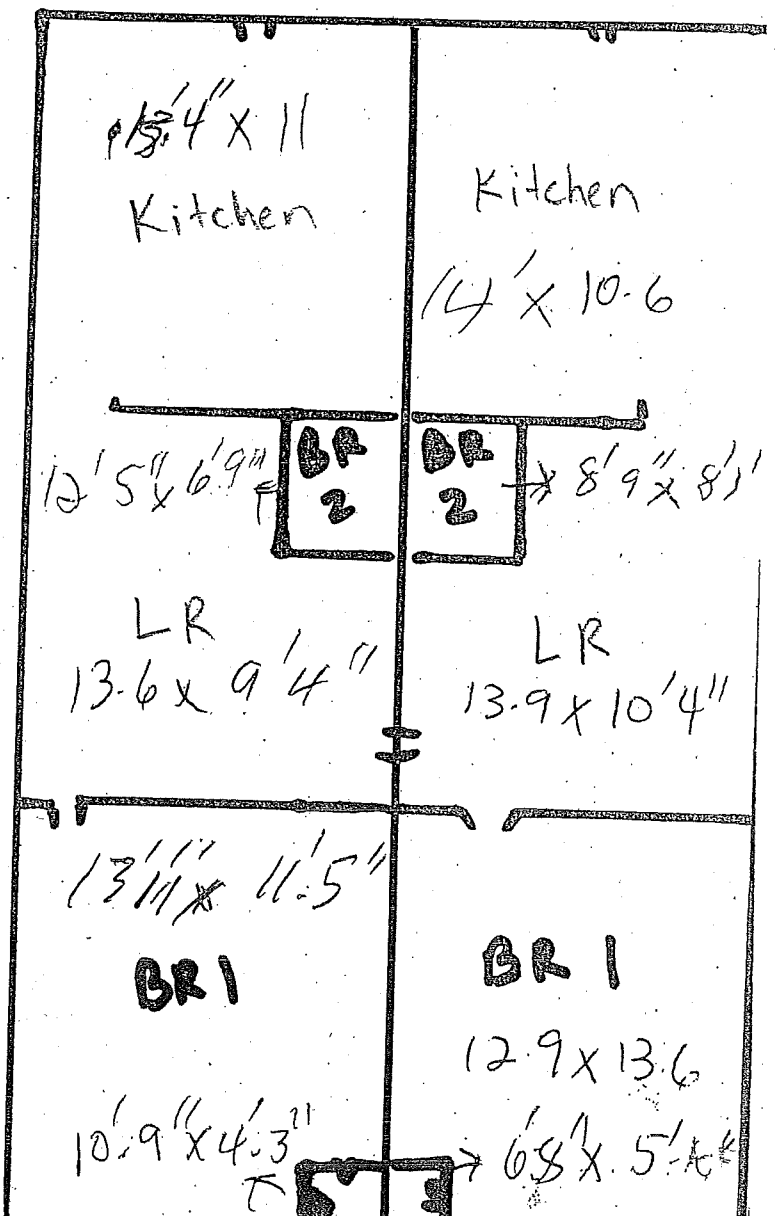
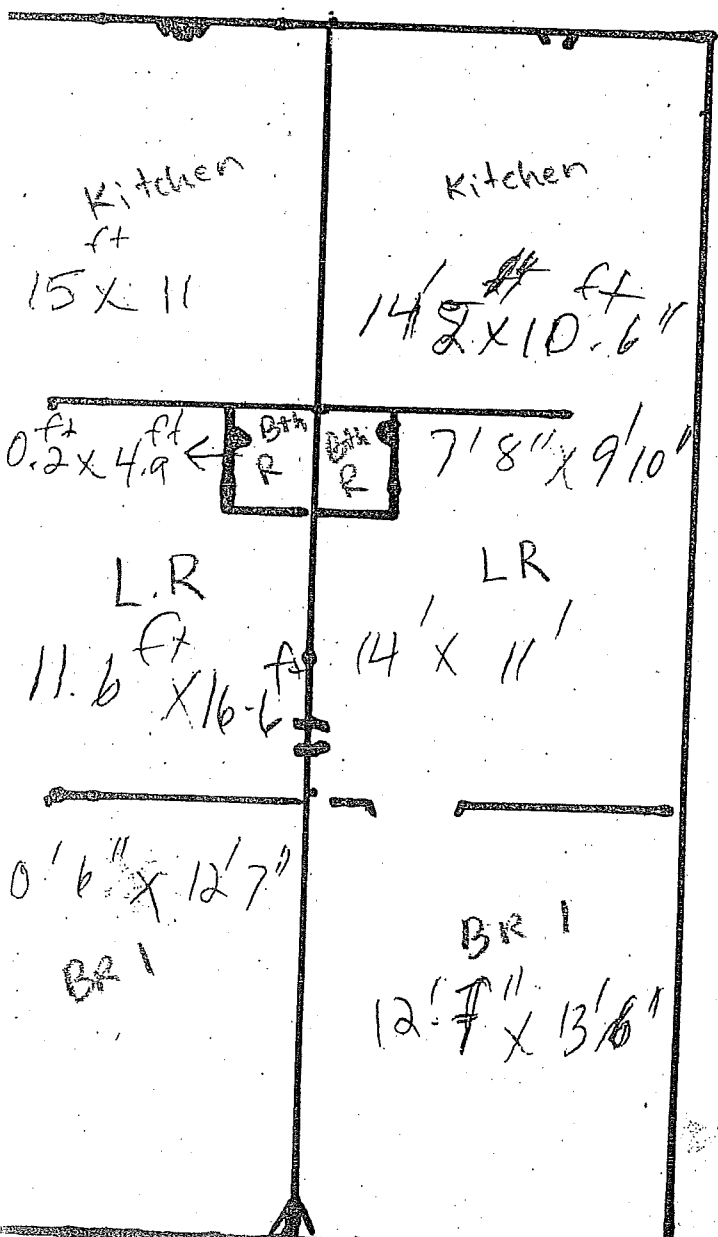


935 Beech St.

1st floor

4-plex

2nd floor



**PRO FORMA INFORMATION SHEET
FOR DUPLEX AND TRIPLEX CONVERSION CASES**

Continuation of Extra Units

2 units

4 plex

MAR 24 2010

Required Information	With Continuation of Extra Units in Structure	With Conversion of Structure to Legal Number of Units
<u>Income</u>		
Total monthly rent income for all units	2,100	\$ 2,800
Monthly income from structure other than rent	—	—
Existing vacancy (if any)	—	—
Effective gross income (EGI) / month ¹	\$ 2,100	\$ 2,800
Effective Gross Income / year	\$ 24,000	\$ 3,600
<u>Operating Expenses (Annual) ²</u>	\$ —	\$ —
Maintenance	1,200	1,200
Insurance	\$ 900	1,800
Utilities (only include amount paid by landlord)	—	—
Other (identify)	—	—
Taxes	\$ 4,000	\$ 4,500
Net Operating Income (Annual) ³	\$ —	\$ —
Monthly debt / mortgage payment	—	—
Annual debt payment	\$ —	\$ —
<u>Rehab projects</u>	Rehab + 20,000	10,000
Total cost of improvements	\$ 20,000	10,000
Monthly rehab debt payment	—	—
Annual rehab debt payment	\$ —	\$ —
Cash Flow: profit, (loss) ⁴	\$ 1,580/m	\$ 2,000/m

NOTE: 1. Effective Gross Income = (Total rent income) - (Vacancy, if there is any)

2. Operating expenses are the sum of the next five lines, incl maintenance, insurance, utilities, taxes and others

3. Net Operating Income = (Effective Gross Income) - (Operating Expenses)

4. Cash Flow = (Net Operating Income) - (Annual debt payment)



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

375 Jackson Street., Suite 220
Saint Paul, MN 55101-1806

Telephone: 651-266-1900
Facsimile: 651-266-1919
Web: www.stpaul.gov/dsi

February 20, 2009

Yia Vue Moua
935 Beech St
St Paul MN 55106-4560

Dear Sir or Madam:

935 BEECH ST is a Registered Vacant Building that requires a Code Compliance Inspection per the Vacant Building Statute (Chapter 43). This inspection can be obtained by calling Building and Inspections and Design at (651) 266-9016. This dwelling can not be occupied without a Certificate of Code Compliance. Call (651) 266-9016 for a permit sign-off.

**THE VACANT BUILDING REGISTRATION FORM AND REGISTRATION
FEE MUST BE RECEIVED BY THE VACANT BUILDING PROGRAM
BEFORE DSI MAY ISSUE PERMITS.**

Violation of the Vacant Building Statute (Chapter 43) will result in the issuance of a criminal citation.

If you have any questions you can call me at the number below.

**PROPERTIES THAT ARE SUSPECTED TO BE ILLEGALLY OCCUPIED ARE SUBJECT TO
INSPECTIONS AT ANY HOUR OF THE DAY OR NIGHT.**

Sincerely,

Rich Singerhouse

651-266-1945

Vacant Buildings Code Enforcement Officer

dj

ncc60120 10/08

STAMP Activities - Property History (935 Beech St)

Address	In Date	ID #	Status	Type	Description
935 Beech St	3/9/2010	10 127224	Pending	PC - Planning Commission Cases - Nonconforming Use Permit- Reestablishment - Multi-family Residential	Applicant: Mr. Kuwaki Wang - Re-establishment of nonconforming use as a 4-unit residential building
935 Beech St	2/9/2010	10 034862	Open	RE - Real Estate Assessments	Owner: Countrywide Home Loans
935 Beech St Apt 2	2/9/2010	10 034862	Open	RE - Real Estate Assessments	Owner: Countrywide Home Loans
	1/27/2010	10 013653	Closed	PA - Parks Summary Abatement - Snow Ice	Owner: Countrywide Home Loans - Remove snow and ice from public sidewalk full width, salt and sand as needed.
935 Beech St	1/21/2010	10 011189	Resolved	CS - CSO Complaint - Snow Walk - Complaint	Snow Walk
935 Beech St	12/21/2009	09 516219	Resolved	CS - CSO Complaint - Snow Walk - Complaint	Snow Walk
935 Beech St	12/1/2009	09 331545	Closed	PA - Parks Summary Abatement - Garbage Rubbish	Owner: Countrywide Home Loans - Remove all bags of yard waste from blvd.
935 Beech St	10/6/2009	09 294340	Condemned/Vacant	CO - Certificate of Occupancy - Residential 3+ Units	Responsible Party: Tim Lehman Coldwell Banker
935 Beech St	2/20/2009	09 029877	Inspected	VB - Vacant Building - Category 2 - Multi-family Residential	Burnett - 332922220021
935 Beech St	2/20/2009	09 029878	Open	VF - Vacant Building Fee - Category 2 - Multi-family Residential	Vacant Building
935 Beech St	2/20/2009	09 029875	Under Review	CS - CSO Complaint - Vacant Building Monitoring - Complaint	Owner: Countrywide Home Loans - VB Fee
935 Beech St	2/4/2009	09 022382	Closed	RF - Referral - Citizen Complaint	Vacant Building, 12/21/09 snow walk
935 Beech St	2/4/2009	09 022381	Transferred - Closed	CS - CSO Complaint - Shut Off - Complaint	Owner: Yia Vue Moua/May Moua - AS 02-04-09 SPRW Shut Off List 01/06/09 (non pay)
935 Beech St	1/13/2009	09 008306	Closed	PA - Parks Summary Abatement - Snow Ice	AS 02-04-09 SPRW Shut Off List 01/06/09 (non pay)
935 Beech St	1/8/2009	09 005680	Resolved	CS - CSO Complaint - Snow Walk - Complaint	Owner: Yia Vue Moua/May Moua - Remove snow and ice from public sidewalk full width, salt and sand as needed.
935 Beech St	11/3/2008	08 188948	Resolved	CS - CSO Complaint - Exterior - Complaint	snow walk
935 Beech St	11/3/2008	08 188946	Resolved	CS - CSO Complaint - Exterior - Complaint	mattress
935 Beech St	11/3/2008	08 188945	Resolved	CS - CSO Complaint - Exterior - Complaint	mattress
935 Beech St	4/17/2008	08 059962	Closed	PA - Parks Summary Abatement - Garbage Rubbish	Owner: Yia Vue Moua/May Moua - Remove from yard: all bagged/loose trash, refuse, garbage, yard waste, wood, mattress construction debris.
935 Beech St	4/8/2008	08 054866	Resolved	CS - CSO Complaint - Exterior - Complaint	Mattress and refuse in the rear yard.
935 Beech St	10/24/2006	06 251966	Condemned/Vacant	CO - Certificate of Occupancy - Residential 3+ Units	Responsible Party: Yia Vue Moua - 332922220021
935 Beech St	1/6/2005	05 047351	Closed	CS - CSO Complaint - Snow Walk - Complaint	Snow walk-ice
935 Beech St	11/4/2004	04 187840	Certified	CO - Certificate of Occupancy - Residential 3+ Units	Responsible Party: Yia Vue Moua - 332922220021
935 Beech St	11/4/2004	04 187841	Closed	RF - Referral - C of O	Owner: Yia Vue Moua/May Moua - Follow up on C of O folder approved with corrections.
935 Beech St	10/13/2004	04 167635	Inactive	PG - Plumbing/Gasfitting/Inside Water Piping - Gasfitting Only - Residential Replace	Contractor: Gregory Ryan Ryan Plumbing & Heating CO - 02/07/2007: Automatically closed by system due to no activity in one year.
935 Beech St	8/11/2004	04 131420	Closed	CS - CSO Complaint - Exterior - Complaint	Garbage/Rubbish.
935 Beech St	8/5/2004	04 128629	Closed without Approval	PG - Plumbing/Gasfitting/Inside Water Piping - Plumbing/Inside Water (All) - Residential Replace	Contractor: Gregory Ryan Ryan Plumbing & Heating CO - 27-Oct-2005: Folder closed by system due to no activity in one year
935 Beech St	4/8/2004	04 069031	Closed	CS - CSO Complaint - Exterior - Complaint	Unapproved Surface, no asphalt; no cement; only dirt and now area has turned to mud. Inspector assigned to this complaint MUST call Council Member in Ward 7 BEFORE going out on inspection.
935 Beech St	4/1/2004	04 065092	Closed	CS - CSO Complaint - Graffiti - Complaint	Graffiti on property. 4/8/04: Graffiti abated by property owner.
935 Beech St	3/4/2004	04 051910	Closed	CS - CSO Complaint - Graffiti - Complaint	Graffiti on property.
935 Beech St	2/10/2004	04 041109	Closed	CS - CSO Complaint - Snow Walk - Complaint	Snow walk

STAMP Activities - Property History (935 Beech St)

Address	In Date	ID #	Status	Type	Description
935 Beech St	12/17/2003	03 414612	Closed	CS - CSO Complaint - Snow Walk - Complaint	snow walk/ice
935 Beech St	10/7/2002	02 228796	Closed	CS - CSO Complaint - Exterior - Complaint	Junk clothing there for 3 weeks in back yard.
935 Beech St	7/19/2002	02 139967	History	CO - Certificate of Occupancy - Residential	Responsible Party: Yia Vue Moua - 332922220021
935 Beech St	6/7/2002	02 130447	Closed	CS - CSO Complaint - Tall Grass - Complaint	Tall grass
935 Beech St	3/13/2001	01 021928	History	CO - Certificate of Occupancy - Residential	Responsible Party: Yia Vue Moua/May Moua - 332922220021
935 Beech St	2/9/1979	79 003456	History	CO - Certificate of Occupancy - Residential	Responsible Party: Xay Chu-Yang-Heu - 332922220021
935 Beech St	2/9/1979	79 013455	History	CO - Certificate of Occupancy - Residential	Responsible Party: Xay Chu-Yang-Heu - 332922220021

Fig. 1. Northwest view of 935
Beech St, looking across Forest
Street



Fig. 2. View of rear of 935 Beech St
property, looking west

Fig. 3. View of rear of 935 Beech St property – parking area off of alley

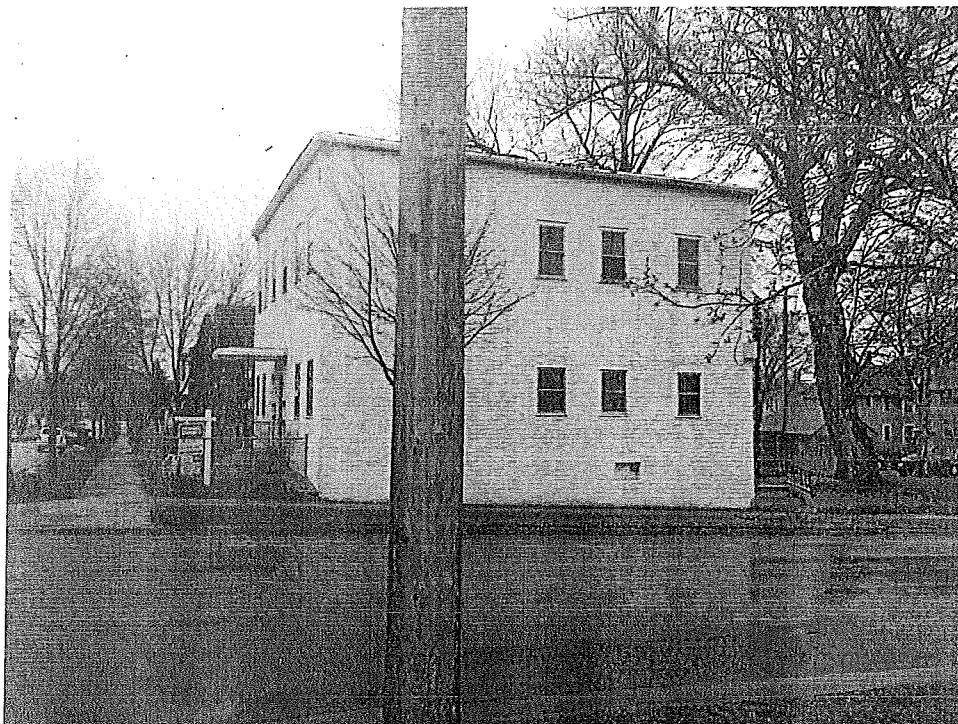


Fig. 4. Western view of side of 935 Beech St property, across Forest Street



Fig. 5. View of commercial property on southwest corner of Beech St/Forest St intersection



Fig. 6. View of residential properties on south side of Beech Street - existing single family house, two duplexes, and single family house



Fig. 7. View of existing house on northeast corner of Beech St/Forest St intersection



Dayton's Bluff

District 4 Community Council

798 E. 7th Street, Saint Paul, MN 55106 - Phone 651-772-2075 - Fax 651-774-3510

Visit our web site at www.daytonsbluff.org

March 25, 2010

Paul Dubruiel
City of Saint Paul PED
1400 City Hall Annex
25 West 4th Street
Saint Paul MN 55102

Dear Paul Dubruiel,

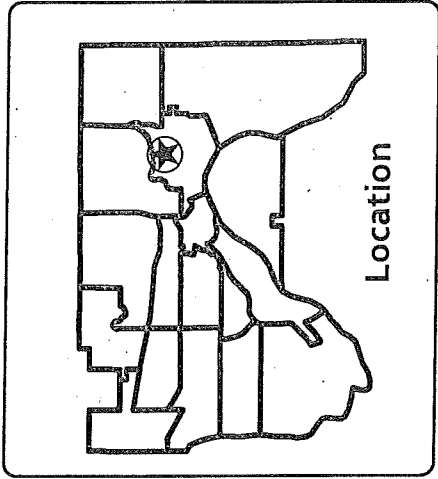
At our March 15, 2010 board meeting our board passed a motion in support of Kuwaki Wang owner of 935 Beech request for support of Re-Establishment of a Nonconforming Use for a building vacant for more than one year and Zoning Variance. This building was built as a 4 plex, so our board feels this is an appropriate use.

Please feel free to call me if you need more information.
Thank you.

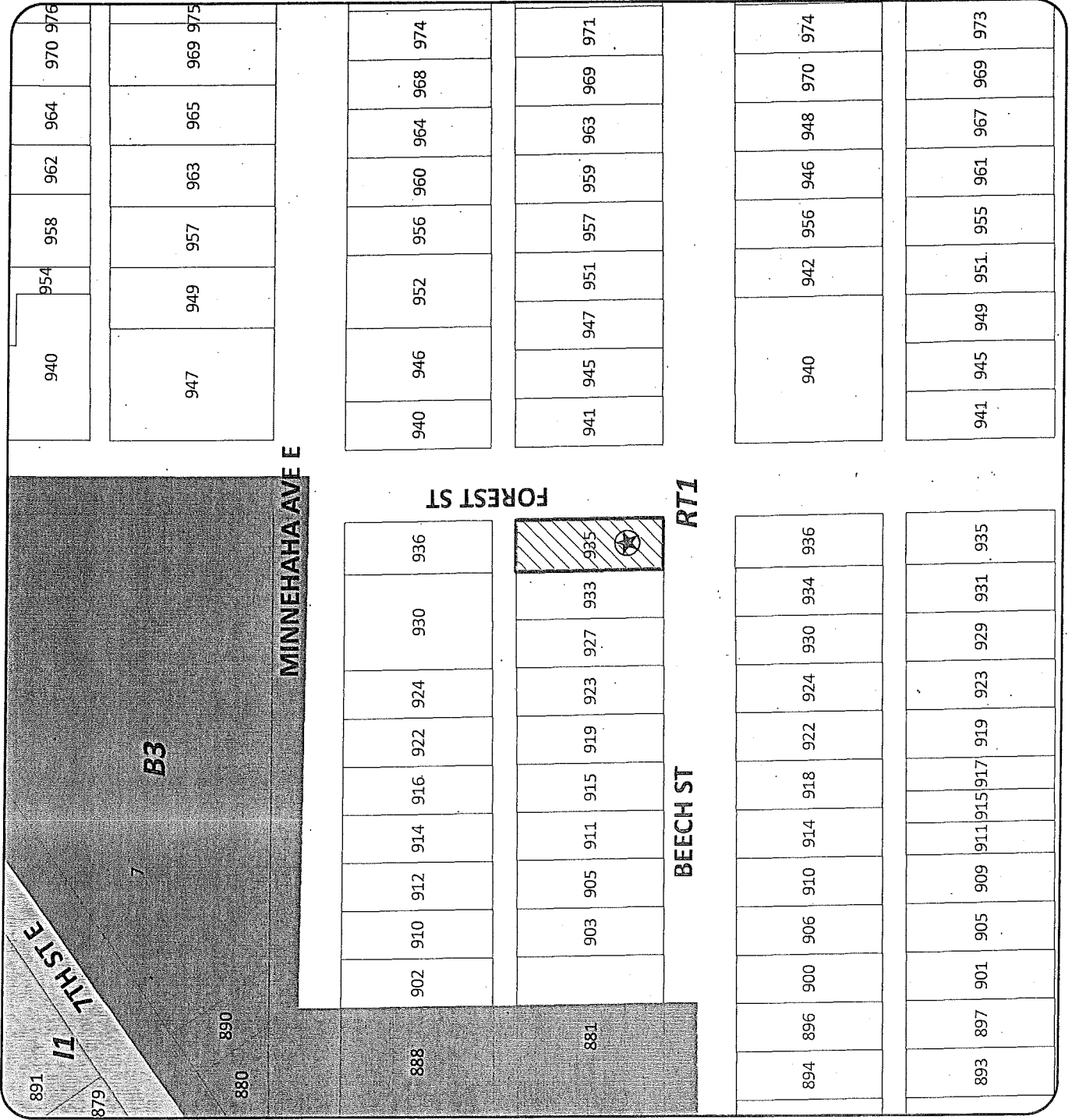
Sincerely,

Karin DuPaul
Community Organizer

Existing Zoning



935 Beech





Existing Land Use



935 Beech

[illegible]

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** T-Mobile (Edgumbe Rec) **FILE #** 10-127-535
 2. **APPLICANT:** FMHC Corporation **HEARING DATE:** April 15, 2010
 3. **TYPE OF APPLICATION:** Conditional Use Permit
 4. **LOCATION:** 320 Griggs St S, NE corner at Jefferson
 5. **PIN & LEGAL DESCRIPTION:** 102823110329, Dunlap Place Addition Subj To Rd; Vac St
Accruing & Fol. The W 110 Ft Of Blk 3 & All Of Blk 4
 6. **PLANNING DISTRICT:** 14 **PRESENT ZONING:** R4
 7. **ZONING CODE REFERENCE:** §65.310; §61.501
 8. **STAFF REPORT DATE:** April 5, 2010 **BY:** Sarah Zorn
 9. **DATE RECEIVED:** March 24, 2010 **60-DAY DEADLINE FOR ACTION:** May 23, 2010
-

- A. **PURPOSE:** Conditional Use Permit for a wireless communications antenna on a 75 ft monopole
- B. **PARCEL SIZE:** Approximately 588 ft. (Griggs) x 521 ft. (Jefferson) = 308,691 sq. ft. (7.08 acres)
- C. **EXISTING LAND USE:** G-Parks/Rec. Facility
- D. **SURROUNDING LAND USE:**
North: Single and multifamily residential (R4 and RM2)
East: Multifamily residential (RM2)
South: Single family residential (R4)
West: Single family residential (R4)
- E. **ZONING CODE CITATION:** §65.310 requires a conditional use permit for cellular telephone antennas on a free-standing pole in residential districts, and provides specific standards and conditions for cellular telephone antennas. §61.501 lists general conditions that must be met by all conditional uses.
- F. **HISTORY/DISCUSSION:** There is no zoning history specific to this property.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 14 Council recommended approval of the application.
- H. **FINDINGS:**

1. The Department of Safety and Inspections issued a Determination of Similar Use statement in December of 2009 determining that a broadband data service provider is substantially similar in character to traditional cellular telephone service.
2. §65.310 defines 'cellular telephone antenna', requires a conditional use permit for cellular telephone antennas on a free-standing pole in residential districts, and lists the following standards and conditions with which they must comply:
 - (a) *In residential districts, a conditional use permit is required for cellular telephone antennas on a residential structure less than sixty (60) feet high. In residential, traditional neighborhood and business districts, a conditional use permit is required for cellular telephone antennas on a freestanding pole, except for existing utility poles. In residential and traditional neighborhood districts, existing utility poles to which cellular telephone antennas are attached shall be at least sixty (60) feet high. This condition is met. An application for a conditional use permit has been made for a wireless communication antenna on a 75 foot high freestanding monopole.*
 - (b) *In residential, traditional neighborhood, and OS--B3 and B5 business districts, the antennas shall not extend more than fifteen (15) feet above the structural height of the structure to which they are attached... The proposed antenna is not being attached to an existing structure; therefore this condition does not apply to this application.*
 - (c) *For antennas proposed to be located on a residential structure less than sixty (60) feet high in residential districts, or on a new freestanding pole in residential, traditional neighborhood, and business districts, the applicant shall demonstrate that the proposed antennas cannot*

be accommodated on an existing freestanding pole, an existing residential structure at least sixty (60) feet high, an existing institutional use structure, or a business building within one-half (1/2) mile radius of the proposed antennas due to one (1) or more of the following reasons:

- (1) The planned equipment would exceed the structural capacity of the existing pole or structure.*
- (2) The planned equipment would cause interference with other existing or planned equipment on the pole or structure.*
- (3) The planned equipment cannot be accommodated at a height necessary to function reasonably.*
- (4) The owner of the existing pole, structure or building is unwilling to co-locate an antenna.*

This condition is met. The applicant has provided a map showing buildings within one half mile of the proposed antenna site, and explained why the proposed antenna cannot be accommodated on existing structures in the area.

(d) In residential, traditional neighborhood and business districts, cellular telephone antennas to be located on a new freestanding pole are subject to the following standards and conditions:

- (1) The freestanding pole shall not exceed seventy-five (75) feet in height, unless the applicant demonstrates that the surrounding topography, structures, or vegetation renders a seventy-five-foot pole impractical. Freestanding poles may exceed the above height limit by twenty-five (25) feet if the pole is designed to carry two (2) antennas. This condition is met. The March 23, 2010 letter from the applicant attached to the application states that the antenna will be 75 ft. tall.*
- (2) Antennas shall not be located in a required front or side yard and shall be set back one (1) times the height of the antenna plus ten (10) feet from the nearest residential structure. This condition is met. The proposed location is more than 215 ft. from the nearest residential property line and is not in a required yard.*
- (3) The antennas shall be designed where possible to blend into the surrounding environment through the use of color and camouflaging architectural treatment. Drawings or photographic perspectives showing the pole and antennas shall be provided to the planning commission to determine compliance with this provision. The applicant has provided a photographic perspective that shows what the antenna will look like on the site, which will be approved by Parks and Recreation. The antenna will be designed to carry a light fixture used to illuminate the ballfield as well, which will help it to blend in.*
- (4) In residential and traditional neighborhood districts, the pole shall be on institutional use property at least one (1) acre in area. In business districts, the zoning lot on which the pole is located shall be within contiguous property with OS or less restrictive zoning at least one (1) acre in area. This condition is met. The pole will be located on Parks property, at the Edgecumbe Rec Center, which is approximately 7 acres in area.*
- (e) In industrial districts, cellular telephone antennas on a freestanding pole shall not exceed one hundred fifty (150) feet in height, shall not be located in a required front or side yard, and shall be set back one (1) times the height of the antenna plus ten (10) feet from the nearest residential structure. This condition does not apply.*
- (f) Antennas located in historic districts shall be subject to review and approval of the heritage preservation commission. This condition does not apply.*
- (g) Freestanding poles shall be a monopole design. This condition is met. The proposed freestanding pole is a monopole design.*
- (h) Transmitting, receiving and switching equipment shall be housed within an existing structure whenever possible. If a new equipment building is necessary, it shall be*

permitted and regulated as an accessory building, section 63.500, and screened from view by landscaping where appropriate. This condition can be met. The applicant is proposing to construct a 10 ft. x 12 ft. prefabricated enclosure for the wireless communication equipment. No fence or screening is currently proposed.

- (i) *Cellular telephone antennas that are no longer used for cellular telephone service shall be removed within one (1) year of nonuse.* This condition is met. The applicant has agreed to abide by this condition.

3. §61.501 lists five standards that all conditional uses must satisfy:

- (1) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* This condition is met. The Comprehensive Plan refers to the importance of ensuring investments in local and regional infrastructure supportive of economic development.
- (2) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. There is no significant traffic associated with the use; ingress and egress is adequate for routine maintenance.
- (3) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* This condition is met. The proposed pole will be located on Parks property and will remove and replace an existing light fixture. The use will actually improve the general welfare by expanding wireless communication capabilities and E911 service in the area.
- (4) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met. The use will not impede the development or improvement of surrounding properties.
- (5) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition is met. The construction, operation and maintenance of the antenna will conform to all applicable district regulations.

I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the Conditional Use Permit for a wireless communications antenna on a 75 ft monopole at 320 S. Griggs Street, as shown on the attached site plan, subject to the following conditions:

- 1. A lease agreement is reached between T-Mobile and the City of Saint Paul;
- 2. The screening and concealment of ground equipment shall be approved by the City of Saint Paul, Department of Parks and Recreation;
- 3. If the antenna is no longer used for cellular phone/wireless communication service it shall be removed within one year as stated in section 65.310(j);
- 4. During the effective period of the lease, T-Mobile shall be responsible for removal or relocation of the antenna and monopole at T-Mobile's expense if required by the City of Saint Paul.

**CONDITIONAL USE PERMIT APPLICATION**

Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex
25 West Fourth Street
Saint Paul, MN 55102-1634
(651) 266-6589

Zoning office use only

File # 10-127535Fee: 750⁰⁰

Tentative Hearing Date:

4-15-10

PD=14

102823110329

APPLICANT

Name FMHC Corporation, as agent for T-Mobile Central LLC
Address 7400 Metro Blvd., Suite 260
City Edina St. MN Zip 55439 Daytime Phone (952) 831-1043
Name of Owner (if different) The City of Saint Paul, Division of Parks & Recreation
Contact Person (if different) Amy Dresch, FMHC Corporation Phone (612) 802-0452

**PROPERTY
LOCATION**

Address / Location 320 South Griggs Street, Saint Paul, Minnesota 55105
Legal Description Please See Attached
Current Zoning R-4
(attach additional sheet if necessary)

TYPE OF PERMIT: Application is hereby made for a Conditional Use Permit under provisions of
Chapter 65, Section 65.310, Paragraph C of the Zoning Code.

SUPPORTING INFORMATION: Explain how the use will meet all of the applicable standards and conditions. If you are requesting modification of any special conditions or standards for a conditional use, explain why the modification is needed and how it meets the requirements for modification of special conditions in Section 61.502 of the Zoning Code. Attach additional sheets if necessary.

*** PLEASE SEE ATTACHED ***

CK 1718097
750⁰⁰☐ Required site plan is attached

Applicant's Signature

Amy Dresch

Date

3/24/10

City Agent

add

FMHC Corporation, as agent for T-Mobile Central LLC

3-24-10



March 23, 2010

City of Saint Paul
Attn: Planning & Economic Development
25 W. 4th Street
Saint Paul, MN 55102

via Hand Delivery

Re: T-Mobile Conditional Use Permit Application
Property Address: 320 South Griggs Street

To Whom It May Concern:

Enclosed please find a conditional use permit application for T-Mobile to replace an existing light pole structure with a 75 foot tall monopole tower at the Edgcombe Park and Recreation Center property located at 320 South Griggs Street. A check in the amount of seven hundred fifty and no/100 dollars (\$750.00) has also been attached along with the following documents:

- Completed Conditional Use Permit Application Form
- Legal Description
- Contact Information Sheet
- CUP Application Narrative
- Recommendation of Approval from the Macalester-Groveland Community District Council
- ½ Mile Radius Disqualification Map
- Memorandum and Propagation Maps from the T-Mobile RF Engineer
- Photo Simulations
- Three (3) sets of 11" x 17" and one (1) set of 8 ½" x 11" site plan drawings

Please don't hesitate to contact me should you have any questions or require any additional information in order to complete your review of this application. My contact information is included below for your use.

Sincerely,

Amy Dresch
FMHC Corporation

7400 Metro Blvd., Suite 260
Edina, MN 55439
Phone: (952) 831-1043
Mobile: (612) 802-0452
Fax: (952) 831-0623
E-Mail: adresch@fmhc.com

CONDITIONAL USE PERMIT APPLICATION

STATEMENT OF PROPOSED USE AND PROJECT DESCRIPTION

T-Mobile USA is the United States operating entity of T-Mobile International AG, the mobile communications subsidiary of Deutsche Telekom AG (NYSE: DT). Deutsche Telekom is one of the largest telecommunications companies in the world, with nearly 120 million customers worldwide. T-Mobile USA's headquarters are located in Bellevue, Washington with a Minnesota office located at 8000 W. 78th Street in Minneapolis, Minnesota.

In 2006, the usage of cell phones met and then exceeded landline phone usage and is now the primary way Americans communicate by phone. One out of every eight American homes (13.6%) had only wireless telephones during the first half of 2007; that number jumped to nearly one out of every six (15.8) during the second half of 2007. To keep pace with the dramatic increase in consumer demand on wireless networks in more residential areas, T-Mobile USA, Inc. ("T-Mobile") is making a committed effort to remedy and fill in areas experiencing spotty coverage, poor call clarity and dropped calls.

The expanding wireless infrastructure is vital in providing quick assistance when emergency situations arise. T-Mobile typically handles more than 60,000 emergency 911 calls everyday across the country and the caller location system called Enhanced 911 ("E911") is providing better connection between the emergency responders and distressed wireless callers. E911 ensures that each emergency wireless call is routed to the most appropriate dispatch call center while also providing a call-back number to the dispatcher as well as information about the approximate location of the distressed caller. To fully support the E911 system capabilities and to enhance public safety in the residential neighborhoods near the intersection of Randolph Avenue & Edgumbe Road, T-Mobile's engineers have selected the Edgumbe Park and Recreation Center as a viable location within T-Mobile's desired coverage radius.

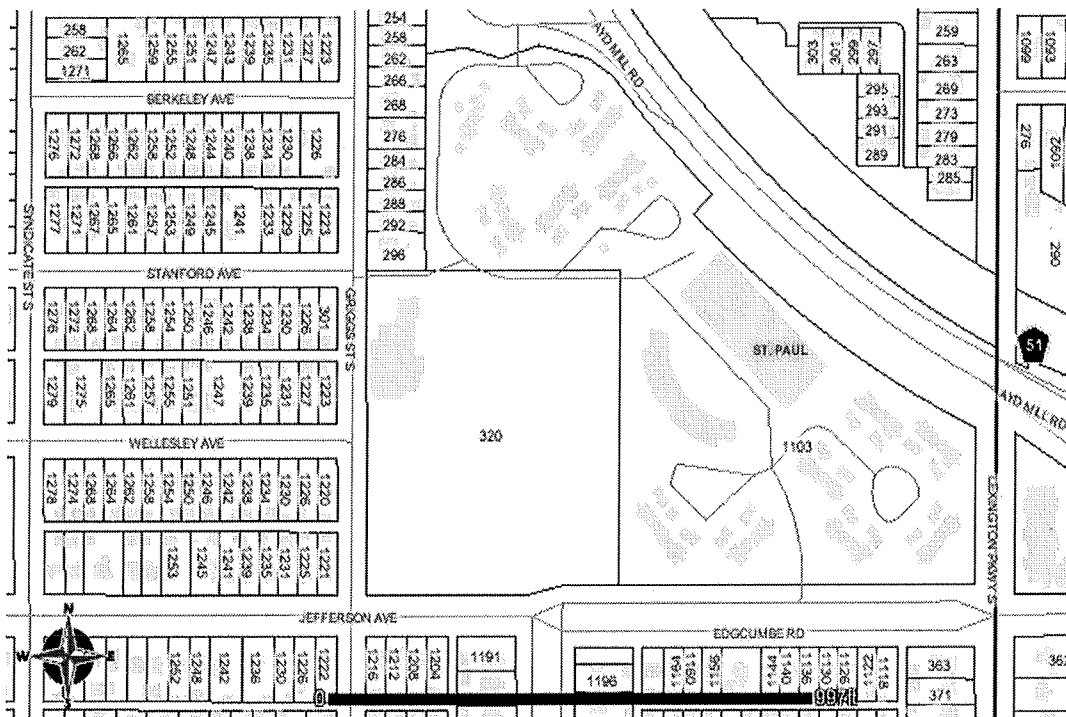
LOCATION AND DESCRIPTION OF PROPERTY

The subject of the Conditional Use Permit application is the Edgcumbe Park and Recreation Center property, located at 320 South Griggs Street, Saint Paul, Minnesota 55105. The Edgcumbe Park and Recreation Center property is legally described as:

The West 110 feet of Block three (3) and all of Block four (4), Dunlap Place Addition, together with that portion of vacated Evergreen Place which accrued thereto by reason of the vacation thereof, according to the Plat thereof on file and of record in the office of the Register of Deeds of Ramsey County.

AND BEING a portion of the same property conveyed to City of Saint Paul, a municipal corporation from Holm & Olson, Inc. by Warranty Deed dated October 03, 1929 and recorded October 03, 1929 in Instrument No. 787140; AND FURTHER BEING A PORTION CONVEYED to Housing and Redevelopment Authority of the City of Saint Paul, Minnesota, a public corporation from Vincent R. Rooney and Katherine M. Rooney, husband and wife by Warranty Deed dated October 14, 1976 and recorded October 15, 1976 in Instrument No. 1946792.

Tax Parcel No. 10-28-23-11-0329



The Edgcumbe Park and Recreation Center property is zoned an R4 Residential District and it meets the institutional use requirement.

PROPOSED TOWER

T-Mobile is proposing to replace an existing light pole at the Edgumbe Park and Recreation Center with a seventy-five (75) foot wireless communications tower to serve as an antenna support structure in order to provide increased in-building coverage to the surrounding residential neighborhoods. T-Mobile's antennas are to be mounted with a centerline of seventy (70) feet. The monopole light tower will also be designed to structurally support the re-mounting of the existing athletic field lights at the same height. Additionally, a four (4) foot tall lightning rod will be attached at the top of the monopole tower.

The monopole will be designed in accordance with the Electronic Industries Association Standard EIA-222-F, "Structural Standard for Steel Antenna Towers and Antenna Supporting Structures." This standard is modeled after the ANSI A58.1 standard, which is now known as ASCE-7. A monopole is theoretically designed to collapse upon itself in the event of an unlikely tower failure.

T-MOBILE'S ACCESSORY EQUIPMENT

T-Mobile's radio equipment will be located inside a 10 foot x 12 foot prefabricated equipment enclosure located on the north side of the existing walkway and adjacent to the horseshoe pit and compost container. The exterior of the equipment enclosure will be designed to blend in with the existing recreation center building. Since the monopole and equipment will be located near the ball fields, it was decided not to fence the enclosure in order to eliminate any need to climb a fence in order to retrieve balls. T-Mobile is not proposing any additional landscaping at this time as there is existing vegetation that will buffer the view of the equipment enclosure from the recreation center, play ground and ball fields.

SELECTION CRITERIA FOR THE PROPOSED SITE AT EDCUMBE PARK AND REC CENTER

T-Mobile's RF engineers have identified the need for improved in-building coverage in the residential neighborhoods near the intersection of Randolph & Edgumbe Road. After generating a propagation study, T-Mobile's RF engineers identified the coverage and capacity needs for the residential area surrounding the Edgumbe Park and Recreation Center property. A 75' tall monopole at the Edgumbe Park and Recreation Center property was selected as the preferred candidate due to its location in the proposed coverage area and because the property is an institutional use and its zoning classification would allow for the construction of a new tower per the City of Saint Paul zoning regulations.

T-Mobile's site acquisition agent evaluated existing structures that were 60 feet or taller in height around the proposed coverage area to determine if they were viable candidates. T-Mobile specifically evaluated the Wilder Park Condominiums located at 1181 Edgumbe Road and the Montcalm Estates Apartments located at 535 Lexington Parkway South. The Wilder

Park Condominiums is a 16 story building which was found to be too tall to meet T-Mobile's coverage objectives. In addition, the building owner was not receptive to allowing T-Mobile to mount their antennas lower on the side of the building or on the edge of the roof due to aesthetic and maintenance concerns. The Montcalm Estates Apartments is a 5 story building. T-Mobile was unable to locate adequate space for their radio equipment installation that was satisfactory to the building owner. In addition, both parties were unable to come to an agreement regarding the lease negotiations.

T-Mobile and the site acquisition specialist worked with representatives from the Saint Paul Parks and Recreation Department to design a tower that meets the zoning requirements of the City and that also minimally impacts the aesthetics and recreational use of the Edgumbe Park and Recreation Center. The proposed monopole and ground equipment have been designed to blend in with the recreational setting. The proposed location on the Edgumbe Park and Recreation Center property is most advantageous because it is replacing an existing structure with a monopole tower designed to blend in as a light pole.

TYPICAL ACTIVITY AT A T-MOBILE SITE LOCATION

The proposed antenna and equipment will not be staffed on a daily basis. Upon completion of construction, the site will require only infrequent site visits (approximately one to four times a month). Access to the property will be obtained from South Griggs Street and will be via a non-exclusive access easement over the existing sidewalk path and as specified by Saint Paul Parks and Recreation. The site will be entirely self-monitored and the equipment is connected to a central monitoring office where personnel can be alerted to any equipment malfunctions or breaches of security.

BUILDING AND CONSTRUCTION STANDARDS

The proposed facilities will be designed and constructed to meet applicable governmental and industry safety standards. Specifically, T-Mobile will comply with all FCC and FAA rules regarding construction requirements, technical standards, interference protection, power and height limitations, and radio frequency standards. Any and all RF emissions are subject to the exclusive jurisdiction of the FCC which sets and enforces very conservative, science-based RF emission guidelines to protect public health. T-Mobile operates all its wireless facilities well below FCC requirements.

CONCLUSION

T-Mobile looks forward to working with the City of Saint Paul to bring the improved in-building coverage, and enhanced mobile features like E911 capabilities to its residential neighborhoods. The addition of this site will help to ensure uninterrupted superior wireless

service to the surrounding residential neighborhood and therefore provide greater competition in the wireless service marketplace.

CONDITIONAL USE PERMIT APPLICATION

APPLICABLE ORDINANCE

The City of Saint Paul's City Code specifically governs the location, height, and construction of Wireless Communication Towers. The applicable zoning ordinance and submittal requirements are located in the City Code and Zoning Ordinances, Title VIII – Zoning Code, Chapter 65 – Land Use Definitions, Article IV 65.300 Section 65.310 – Antenna, Cellular Telephone. Please find below in **bold text**, Saint Paul's Wireless Communication Tower ordinance, and in *italicized text*, an explanation of how T-Mobile's proposed antenna installation complies with each section of the ordinance.

ARTICLE IV. 65.300. PUBLIC SERVICES AND UTILITIES

Sec. 65.310. Antenna, cellular telephone.

A device consisting of metal, carbon fibre, or other electromagnetically conductive rods or elements, usually arranged in a circular array on a single supporting pole or other structure, and used for the transmission and reception of radio waves in wireless telephone communications.

T-Mobile is proposing to erect a monopole to support antenna panels for the purpose of transmitting and receiving radio wavelengths to effectively provide personal wireless communication service to the area. Therefore the proposed monopole and antenna installation meets the definition of this section of St. Paul's ordinance guiding the requirements for antennas and cellular telephone.

Standards and conditions:

(a) In residential districts, a conditional use permit is required for cellular telephone antennas on a residential structure less than sixty (60) feet high. In residential, traditional neighborhood and business districts, a conditional use permit is required for cellular telephone antennas on a freestanding pole, except for existing utility poles. In residential and traditional neighborhood districts, existing utility poles to which cellular telephone antennas are attached shall be at least sixty (60) feet high.

T-Mobile is proposing to locate a new seventy-five (75) foot freestanding pole and to mount antennas within a residential district, which requires a conditional use permit.

(b) In residential, traditional neighborhood, and OS--B3 and B5 business districts, the antennas shall not extend more than fifteen (15) feet above the structural height of the structure to which they are attached. In B4 business and industrial districts, the antennas shall not extend more than forty (40) feet above the structural height of the structure to which they are attached.

T-Mobile's proposed monopole structure is seventy-five (75) feet in height and the mounting height of the antenna panels as proposed does not extend beyond the seventy-five (75) feet height of the monopole, therefore the proposed antenna height meets the above height limitation on extensions beyond structural height.

(c) For antennas proposed to be located on a residential structure less than sixty (60) feet high in residential districts, or on a new freestanding pole in residential, traditional neighborhood, and business districts, the applicant shall demonstrate that the proposed antennas cannot be accommodated on an existing freestanding pole, an existing residential structure at least sixty (60) feet high, an existing institutional use structure, or a business building within one-half (1/2) mile radius of the proposed antennas due to one (1) or more of the following reasons:

(1) The planned equipment would exceed the structural capacity of the existing pole or structure.

T-Mobile is proposing to replace one of the existing light poles at Edgcumbe Park and Recreation Center with a new freestanding pole. The proposed monopole is to be constructed to structurally support the mounting of T-Mobile's antennas and also the remounting of the existing light fixtures. In addition, the new monopole tower will be structurally designed to accommodate the coaxial cables in the interior of the pole structure. The existing light poles within the Edgcumbe Park and Recreation Center property are not structurally designed to support the weight of the antennas and/or the coaxial cables. The surrounding area within a ½ mile radius is comprised of dense residential neighborhoods and T-Mobile is not aware of any existing poles structurally capable of accommodating T-Mobile's equipment installation.

(2) The planned equipment would cause interference with other existing or planned equipment on the pole or structure.

The surrounding area within a ½ mile radius is dense residential property and T-Mobile is not aware of any existing pole that would provide the required seventy-five (75) feet in height. T-Mobile evaluated the 16-story Wilder Park Condominium building located at 1181 Edgcumbe Road, however, it was determined that this structure was too tall to provide adequate coverage in the needed areas. Due to aesthetic and maintenance concerns, the building management was not willing to allow T-Mobile to locate its antenna equipment on the edge of the roof or sides of the building.

- (3) The planned equipment cannot be accommodated at a height necessary to function reasonably.**

The surrounding area within a ½ mile radius of the proposed site is primarily comprised of dense residential property with a limited number of existing structures seventy (70) feet in height or greater. As previously mentioned, T-Mobile did evaluate the Wilder Park Condo building but the building was determined to be too tall to get the wireless signal in the needed areas.

- (4) The owner of the existing pole, structure or building is unwilling to co-locate an antenna.**

T-Mobile was unable to come to an agreement with the management of the Wilder Park Condominiums, due to aesthetic and maintenance reasons, to locate the equipment on parts of the building that would possibly make the site feasible. In addition, T-Mobile and the building owner of the Montcalm Estates Apartments were unable to locate a mutually agreeable location for T-Mobile's equipment.

- (d) In residential, traditional neighborhood and business districts, cellular telephone antennas to be located on a new freestanding pole are subject to the following standards and conditions:**

T-Mobile is proposing to locate antennas on a new freestanding pole in a residential (R4) district and therefore the proposed antenna facility is subject to the standards and conditions set forth below.

- (1) The freestanding pole shall not exceed seventy-five (75) feet in height, unless the applicant demonstrates that the surrounding topography, structures, or vegetation renders a seventy-five foot pole impractical. Freestanding poles may exceed the above height limit by twenty-five (25) feet if the pole is designed to carry two (2) antennas.**

The proposed replacement pole will be seventy-five (75) feet in height which is in compliance with the height requirement. The pole will be structurally designed to allow for T-Mobile's equipment installation as well as the park lights located on the existing light pole being replaced.

- (2) Antennas shall not be located in a required front or side yard and shall be set back one (1) times the height of the antenna plus ten (10) feet from the nearest residential structure.**

The proposed new freestanding pole and antenna facility is to be located in the rear yard of the Edgumbe Park and Recreation Center property. A new seventy-five (75) foot freestanding pole is required to be set back a minimum of eighty-five (85) feet from the nearest residential structure. The nearest residential structure which is closest to the proposed location of the base

of the pole is more than 230 feet away. Therefore, the proposed location of the monopole meets the above rear yard placement and minimum set back distance requirements.

- (3) The antennas shall be designed where possible to blend into the surrounding environment through the use of color and camouflaging architectural treatment. Drawings or photographic perspectives showing the pole and antennas shall be provided to the planning commission to determine compliance with this provision.**

T-Mobile is proposing to replace the existing light pole with a new monopole tower having a corten finish that matches the color of the existing light poles at the Edgumbe Park and Recreation Center, so as to help camouflage the monopole and antennas as a light pole. A photo simulation of the proposed monopole illustrating the antennas and light fixtures has been included as an exhibit to this application.

- (4) In residential and traditional neighborhood districts, the pole shall be on institutional use property at least one (1) acre in area. In business districts, the zoning lot on which the pole is located shall be within contiguous property with OS or less restrictive zoning at least one (1) acre in area.**

T-Mobile is proposing to replace an existing light pole with a new light pole monopole on the Edgumbe Park and Recreation Center which is used as a public recreation facility and qualifies as an institutional use. The total area of the property is 7.09 acres, which exceeds the minimum required one acre of lot area as set forth above.

- (e) In industrial districts, cellular telephone antennas on a freestanding pole shall not exceed one hundred fifty (150) feet in height, shall not be located in a required front or side yard, and shall be set back one (1) times the height of the antenna plus ten (10) feet from the nearest residential structure.**

T-Mobile is not proposing to locate a freestanding pole in an industrial district, therefore the above height allowance does not apply for purposes of this application.

- (f) Antennas located in historic districts shall be subject to review and approval of the heritage preservation commission.**

T-Mobile is proposing to locate an antenna facility at the Edgumbe Park and Recreation Center which is not designated as a historic district, therefore the above requirement does not apply for purposes of this application.

- (g) Freestanding poles shall be a monopole design.**

T-Mobile is proposing to replace an existing light pole with a new light pole having a monopole design. Therefore, it meets the above design requirement.

(h) Transmitting, receiving and switching equipment shall be housed within an existing structure whenever possible. If a new equipment building is necessary, it shall be permitted and regulated as an accessory building, section 63.500, and screened from view by landscaping where appropriate.

T-Mobile's radio equipment will be located inside a 10 foot x 12 foot prefabricated enclosure which will be designed to blend in with the existing recreation center building located on the property. T-Mobile is not proposing any additional landscaping at this time as there is existing vegetation that will help buffer the view of the equipment enclosure from the recreation center, play ground and ball fields.

(i) Cellular telephone antennas that are no longer used for cellular telephone service shall be removed within one (1) year of nonuse.

T-Mobile is aware of the removal requirements for abandoned and unused antennas and antenna equipment. Upon entering into a lease agreement with the City of Saint Paul for the ground space to locate the monopole and equipment, T-Mobile will be responsible for the removal of the unused antennas and antenna equipment.

Legal Description
File No. 11723414

LEGAL DESCRIPTION

Property located in Ramsey, MN

The West 110 feet of Block three (3) and all of Block four (4), Dunlap Place Addition, together with that portion of vacated Evergreen Place which accrued thereto by reason of the vacation thereof, according to the Plat thereof on file and of record in the office of the Register of Deeds of Ramsey County.

AND BEING a portion of the same property conveyed to City of Saint Paul, a municipal corporation from Holm & Olson, Inc. by Warranty Deed dated October 03, 1929 and recorded October 03, 1929 in Instrument No. 787140; AND FURTHER BEING A PORTION CONVEYED to Housing and Redevelopment Authority of the City of Saint Paul, Minnesota, a public corporation from Vincent R. Rooney and Katherine M. Rooney, husband and wife by Warranty Deed dated October 14, 1976 and recorded October 15, 1976 in Instrument No. 1946792.

Tax Parcel No. 10-28-23-11-0329

CONTACT INFORMATION

OWNER:

CITY OF SAINT PAUL
DIVISION OF PARKS & RECREATION
300 CITY HALL ANNEX
25 W. 4TH STREET
SAINT PAUL, MN 55102

Susie Odegard, CPRP
Recreation Program Coordinator
Office: 651-266-6400
Fax: 651-292-7405
E-Mail: Susie.Odegard@ci.stpaul.mn.us

APPLICANT:

FMHC CORPORATION
as AGENT FOR T-MOBILE CENTRAL LLC
7400 METRO BLVD, SUITE 260
EDINA, MN 55439

Amy Dresch
Site Acquisition
Office: 952-831-1043
Mobile: 612-802-0452
Fax: 952-831-0623
E-Mail: adresch@fmhc.com

PROJECT MANAGER:

T-MOBILE CENTRAL LLC
8000 78th STREET
EDINA, MN 55439

Chris Miller, Engineering and Construction
Office: 612-701-2069
Email: chris.miller@t-mobile.com

DESIGNER/SURVEYOR:

ULTEIG ENGINEERS
5201 EAST RIVER ROAD
MINNEAPOLIS, MN 55421

Isaac Odland, Project Manager
Office: 605-323-2306
Direct: 605-323-6071
Email: Isaac.Odland@ulteig.com



320 South Griggs Street
St. Paul, MN 55105
www.macgrove.org

Phone: 651-695-4000
Fax: 651-695-4004
E-mail: mgcc@macgrove.org

March 12, 2010

Re: T-Mobile's Application for a Cell Tower at Edgumbe Recreation Center

Dear Amy:

The Housing & Land Use Committee of the Macalester-Groveland Community Council met in response to T-Mobile's proposal for a cell tower at Edgumbe Recreation Center on Wednesday, February 24th. The committee passed the following resolution, which was approved by the full Macalester-Groveland Community Council Board of Directors on Thursday, March 11th:

The Macalester-Groveland Community Council recommends approval for T-Mobile's application for a cell tower at Edgumbe Recreation Center.

Residents in attendance at the Housing & Land Use Committee public meeting expressed concern regarding easements needed for access and equipment and the aesthetics of the installation. These inquiries were addressed by T-Mobile at the meeting.

Thank you for your consideration of this recommendation. Please contact me with any questions at 651-695-4000.

Sincerely,

Afton Martens
Executive Director

[illegible]

Wilder Park Condos
1181 Edgumbe Road

Edgcombe Park & Rec Center
320 S. Griggs Street

Montcalm Estate Apartments
535 Lexington Parkway South

Memorandum

To: Amy Dresch, FMHC Corporation
CC: Alan Roberts, RF Engineering Manager, T-Mobile USA
From: Thierry Colson, Senior RF Engineer, T-Mobile USA
Date: March 23, 2010
Re: 320 South Griggs Street, Saint Paul, MN (A1Q0622)

I am the RF Engineer responsible for the design and location of this proposed site. I have been doing wireless network design for more than 13 years, and have planned and built hundreds of sites. It is my intention to describe the goals and objectives of this particular location and to examine the other possible locations we've considered in this area.

Our primary objective with this site is to improve in-building coverage in the residential neighborhoods of the City of Saint Paul. It's important that this new coverage link and compliment the existing coverage. It's also important that we minimize the potential overlap in areas where the existing coverage is already of an acceptable quality. Our target area is the residential areas west of Interstate 35E and near the intersection of Randolph Avenue and Edgumbe Road. Currently in this area there is very poor in-building coverage.

I have attached a map that is a computer generated depiction of our current coverage in our target area. The color scheme represents the general strength of the signals generated by our network. The green areas are the strongest, and represent a signal strong enough to penetrate most commercial and residential buildings. The yellow is typically strong enough to provide service inside vehicle. The last signal level displayed is the grey, and indicates areas where the signal is strong enough for outdoor coverage.

I have also attached a map using the same color scheme that depicts the coverage of our proposed site at the Edgumbe Park and Recreation Center property located at 320 South Griggs Street at approximately 75feet. Comparing these two maps and the improvement in both the amount of our coverage and the strength of that coverage is very apparent.

T-Mobile's site acquisition specialist, with the assistance of T-Mobile's radio frequency engineer, has searched and is not aware of an existing tower or building one-half (1/2) mile search radius, which would provide the height necessary for the antennas to function to provide the necessary coverage to the area. We are already using the following neighboring structures for our network:

A1Q0809D - St. Paul Summit School: 1150 Goodrich Ave., Saint Paul, MN
A1Q0517A - Avon Apartments: 45 Avon Street, Saint Paul, MN
A1Q0702A - Macalester Football: 1600 Grand Avenue, Saint Paul, MN
A1Q0023A - St. Paul WT (Highland): 1540 Highland Parkway, Saint Paul, MN
A1Q0028A - St Paul (Montreal PHA): 1085 Montreal Avenue, Saint Paul, MN

The frequencies used by our equipment will be restricted to the bands as follows:

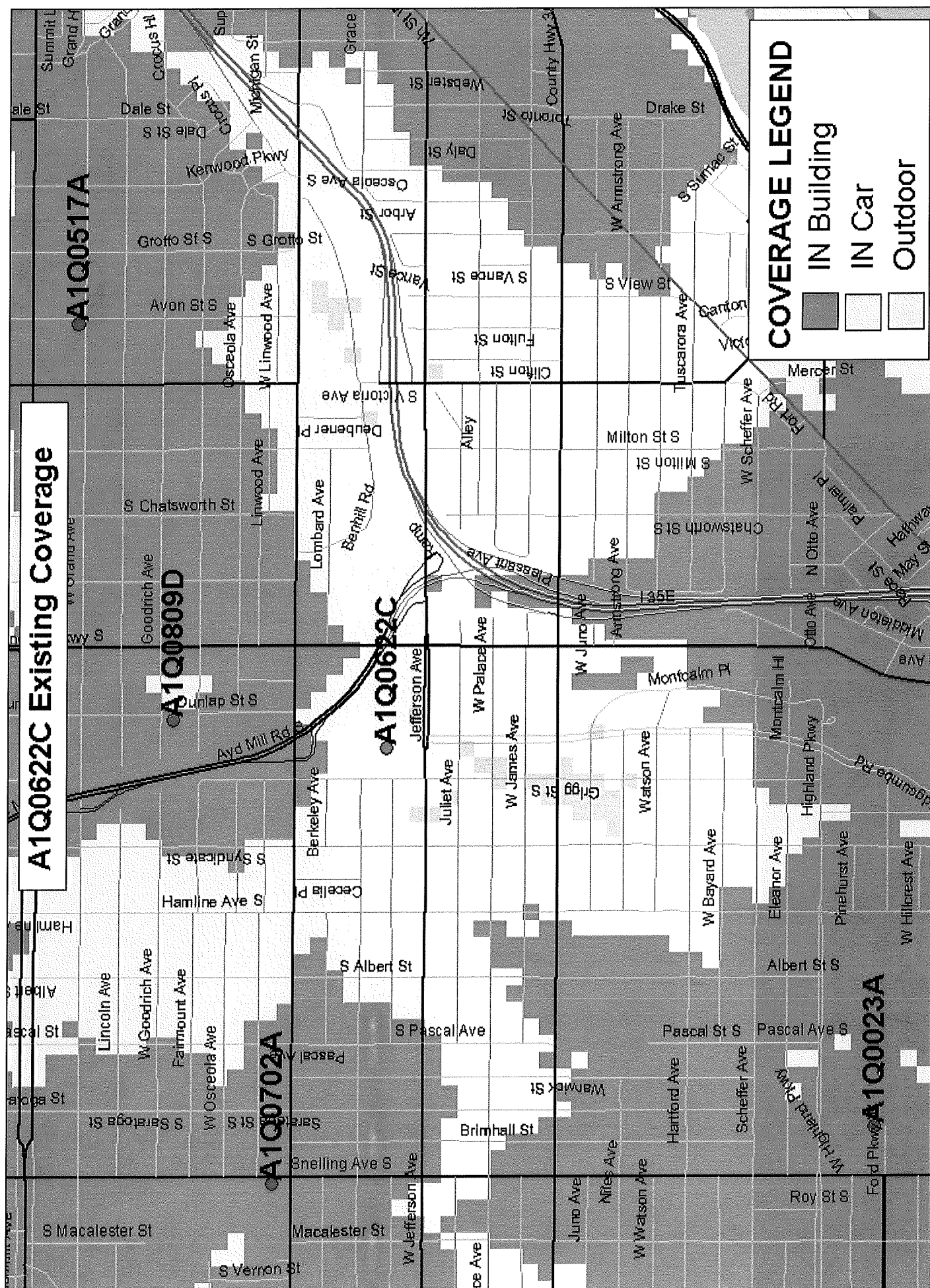
Transmit: PCS B block (1950 to 1964), PCS C4 Block (1980 to 1985), AWS R3-E (2140 to 2145)

Receive: PCS B block (1870 to 1885), PCS C4 Block (1900 to 1905), AWS R3-E (1740 to 1745)

These bands apportioned to T-Mobile by the FCC are well isolated from other bands used by public safety communication systems. There have been no incidences of interference with public safety systems on our existing sites, or any interference with consumer radio, television, or similar services.

Part of the license from the FCC states that we can not transmit outside of our assigned frequency blocks. One of the penalties listed is loss of our license. We take interference very seriously, and in the rare event that any interference occurred, we would work to correct it as quickly as possible.

Thierry Colson
Senior RF Engineer
Tel: 862-219-1495



T-Mobile

GENERAL NOTES

- THE CONTRACTOR SHALL SUPPLY AND DIRECT ALL WORK, INCLUDING THE INSTALLATION OF THE ANTENNA, IN ACCORDANCE WITH THE REQUIREMENTS OF THE CITY OF MINNEAPOLIS, MINNESOTA, AND THE MINNEAPOLIS TELECOMMUNICATIONS COMMISSION (MTC). THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF MINNEAPOLIS, MINNESOTA, AND THE MTC. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF MINNEAPOLIS, MINNESOTA, AND THE MTC.
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CODES AND STANDARDS

- ALL CONSTRUCTION SHALL COMPLY WITH THE LATEST ADOPTED EDITION OF THE FOLLOWING PUBLICATIONS:
- ASTM (AMERICAN SOCIETY FOR TESTING AND MATERIALS)
 - AWWA (AMERICAN WATERWORKS ASSOCIATION)
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LEGEND

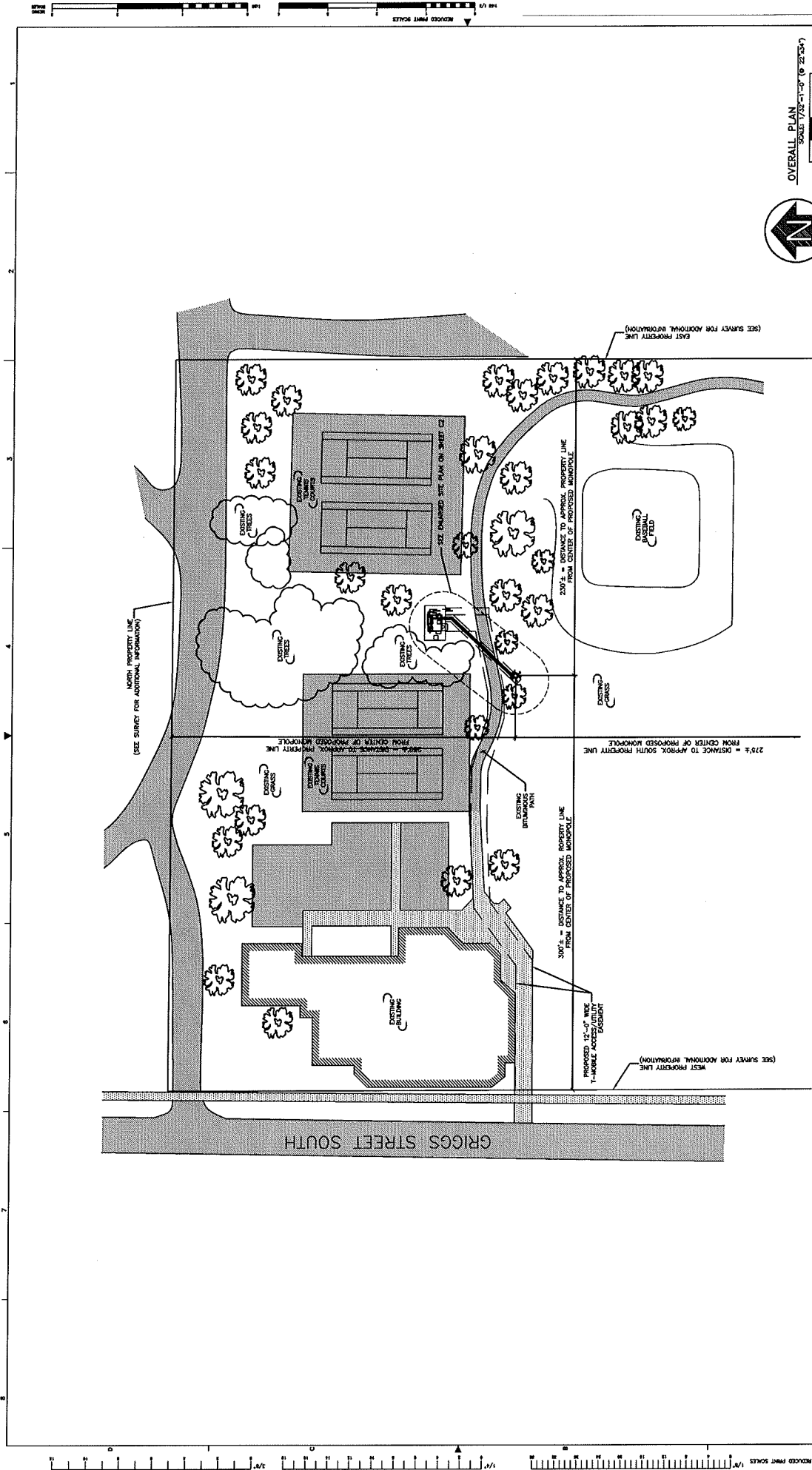
- DETAIL NUMBER
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SCOPE OF SUPPLY

RAW LAND SITE	ITEM	FURNISHED BY	INSTALLED BY	CO-LOCATION SITE	ITEM	FURNISHED BY	INSTALLED BY
POWER	POWER	CONTRACTOR	CONTRACTOR	POWER	POWER	CONTRACTOR	CONTRACTOR
WATER	WATER	CONTRACTOR	CONTRACTOR	WATER	WATER	CONTRACTOR	CONTRACTOR
SEWER	SEWER	CONTRACTOR	CONTRACTOR	SEWER	SEWER	CONTRACTOR	CONTRACTOR
TELEPHONE	TELEPHONE	CONTRACTOR	CONTRACTOR	TELEPHONE	TELEPHONE	CONTRACTOR	CONTRACTOR
TELEVISION	TELEVISION	CONTRACTOR	CONTRACTOR	TELEVISION	TELEVISION	CONTRACTOR	CONTRACTOR
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ABBREVIATIONS

WATER TOWER SITE			ROOFTOP SITE		
ITEM	FURNISHED BY	INSTALLED BY	ITEM	FURNISHED BY	INSTALLED BY
ETS PLATFORM	T-MABLE	CONTRACTOR	ROOFTOP PLATFORM	T-MABLE	CONTRACTOR
ETS PLATFORM FOUNDATION	CONTRACTOR	CONTRACTOR	ROOFTOP ANTENNA SIZE/ATTACHMENT	T-MABLE	CONTRACTOR
PURCELL CABINET (POWER/TELE)	T-MABLE	CONTRACTOR	PURCELL CABINET (POWER/TELE)	T-MABLE	CONTRACTOR
PURCELL CABINET - BATTERIES	T-MABLE	CONTRACTOR	PURCELL CABINET - BATTERIES	T-MABLE	CONTRACTOR
ETS CABINETS	T-MABLE	CONTRACTOR	ANTENNA	T-MABLE	T-MABLE
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[illegible]

•T•Mobile•
MINNEAPOLIS MARKET

NOTICE: THIS DRAWING HAS NOT BEEN PUBLISHED AND IS THE SOLE PROPERTY OF T-MOBILE - WIRELESS. THIS DRAWING IS LOANED TO THE BORROWER FOR THEIR CONFIDENTIAL USE ONLY, AND IN CONSIDERATION OF THE LOAN OF THIS DRAWING, THE BORROWER PROMISES TO RETURN IT UPON REQUEST AND AGREEES THAT IT WILL NOT BE REPRODUCED, COPIED, LENT OR OTHERWISE DISPOSED OF DIRECTLY OR INDIRECTLY FOR ANY PURPOSE OTHER THAN WHICH IT IS FURNISHED.

I hereby certify that this plan specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

[illegible]

NAME	9/14/00	NAME	NAME	NAME	NAME	SCALE	K.I.S.	DRAWING NUMBER	A100622-C1	REV	4
<p>EDGECUMBE REC. CENTER A100622 SITE PLAN</p> <p>320 SOUTH GRIGGS STREET ST. PAUL, MN 55105</p>											
<p>MODE UPDATED = YES <input type="checkbox"/> NO <input type="checkbox"/> CAD FILE A100622_251.DWG</p>											

[illegible]

The West 100 feet of Block 3 and oil of Block 4, Dunlap Place Addition, together with that portion of the Eastern Boundary of Block 3, Dunlap Place Addition, are vacated herein, according to the plat thereon, and the record of the same in the vacation thereof, according to the Plat thereon, of file and of record in the office of the Registrar of Ramsey County.

AND BEING a portion of the same, separately conveyed to the City of Saint Paul, Minnesota, by the said City of Saint Paul, to-wit: by Warranty Deed dated October 3, 1929 in Instrument No. 7871-40, and by Warranty Deed dated October 3, 1929 in Instrument No. 7871-40, AND FURTHER BEING A PORTION CONVEYED TO the Housing and Redevelopment Authority of the City of Saint Paul, Minnesota, a public body, by the said City of Saint Paul, to-wit: by Warranty Deed dated October 3, 1929 in Instrument No. 7871-40, and by Warranty Deed dated October 3, 1929 in Instrument No. 7871-40, AND FURTHER BEING A PORTION CONVEYED TO the Housing and Redevelopment Authority of the City of Saint Paul, Minnesota, a public body, by the said City of Saint Paul, to-wit: by Warranty Deed dated October 3, 1929 in Instrument No. 7871-40, and by Warranty Deed dated October 3, 1929 in Instrument No. 7871-40.

A lease tract for telecommunication purposes over, under, and across that part of the hereinbefore described property described as follows:

The herebefore described property described as follows:

S33 remaining at the northeast corner of Section 10, Township 29 North, Range 6 East, Tenth Principal Meridian, 18th Principal Meridian, and 20th and 21st Principal Meridians, containing 25 acres, more or less, being the second East, assumed bearing, along the east line of the Northeast Quarter of said Section 10 a distance of 837.54 feet; thence South 83 degrees 59 minutes 59 seconds East a distance of 15.00 feet to the point of beginning; thence along the loose tract to be described thence South 00 degrees 01 minute 59 seconds East a distance of 12.50 feet; thence South 89 degrees 58 minutes 59 seconds West a distance of 12.50 feet to a point hereafter referred to as EBM1; thence along the loose tract to be described thence South 00 degrees 01 minute 59 seconds East a distance of 15.00 feet; thence North 00 degrees 01 minutes 59 seconds East a distance of 15.00 feet; thence North 89 degrees 58 minutes 59 seconds East a distance of 337.50 feet to the point of beginning.

Containing 3.75 square feet, more or less being 0.000 acres, more or less.

A 5.00 foot wide easement for cooidal cable purposes over, under, and across that part of the hereinafter described property lying 5.00 feet to the right of and abutting the following described sideline:

Beginning at the hereinafter described POINT A, thence South 00 degrees 01 minute second East a distance of 6.00 feet; thence South 44 degrees 58 minute 59 seconds West a distance of 98.00 feet and said sideline there

LEGAL DESCRIPTION OF ACCESS AND UTILITY EASEMENT:
A 12.00 foot wide easement for ingress, egress and utility purposes over, under, and across that part of the hereinbefore described property lying 12.00 feet to the right of and abutting the following described sideline:

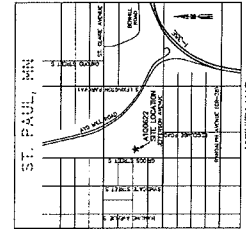
minute 01 second East a distance of 32.00 feet; thence South 75 degrees 00 minutes 32 seconds West a distance of 57.00 feet; thence South 89 degrees 58 minutes 59 seconds West a distance of 35.00 feet; thence North 82 degrees 57 minutes 52 seconds West a distance of 29.00 feet; thence South 88 degrees 58 minutes 59 seconds West a distance of 88.00 feet; thence South 49 degrees 24 minutes 54 seconds West a distance of 57.00 feet; thence South 88 degrees 58 minutes 59 seconds West a distance of 100.49

It is intended that the sidelines of said acres and utility easement be shortened or extended to intersect with the easterly right-of-way line of Griggs Street South. Contains 4.665 square feet, more or less; being 0.107 acres, more or less.

Beginning at the hereinbefore described POINT A; thence South 00 degrees 01 minutes 01 second East a distance of 32.00 feet and said sideline there terminating.

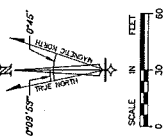
Contains 160 square feet, more or less; being 0.004 acres, more or less.

1. The address of the property is: 370 Crogs Street S. St. Paul, Minnesota 55105.
2. The parcel number for the property is: 10.28.23.11.0329.
3. For the purposes of this survey, the underground utilities are shown in their approximate location, based on survey data for the visible surface components. Please note that the recorder is required to call "COPPER STATE ONE CALL" at 800-452-1149 for any underground utilities.



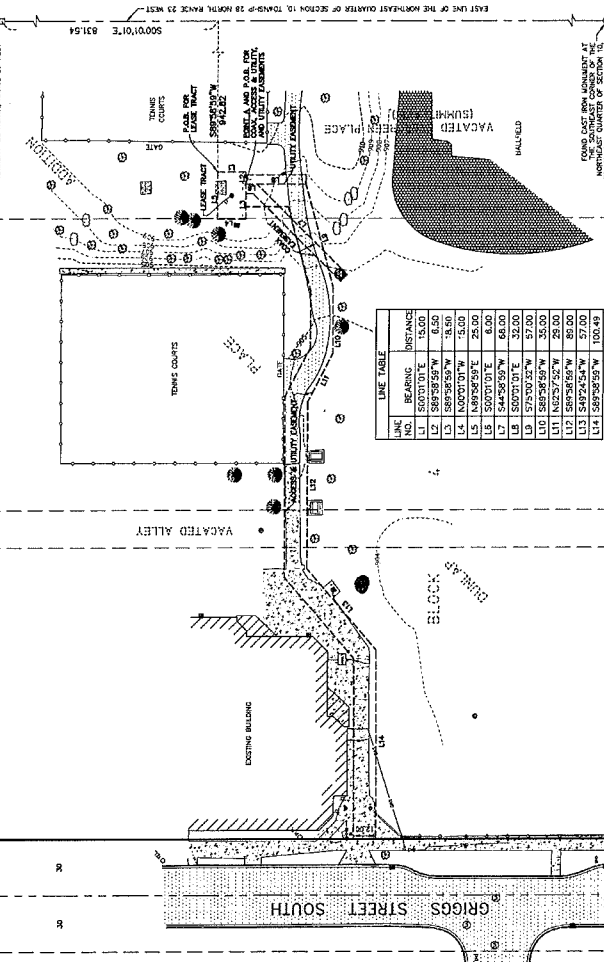
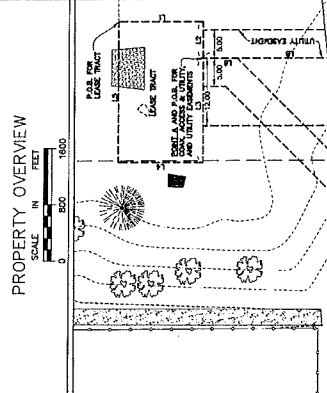
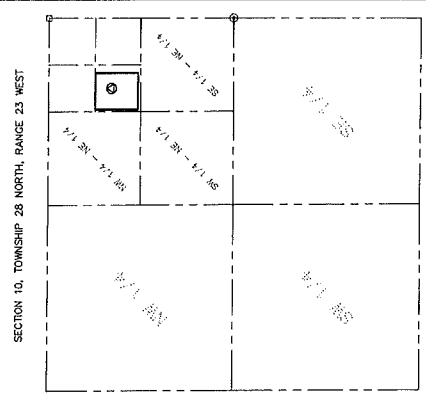
LATITUDE: 44°55'54.19" NORTH
LONGITUDE: 93°09'01.56" WEST
ELEVATION AT GROUND: 905.8 FEET AMSL
(NAD 83 & NAVD 88)

BEARINGS ARE BASED ON GRID NORTH,
RAMSEY COUNTY COORDINATE SYSTEM



ELEVATIONS ARE BASED ON THE NORTH
AMERICAN VERTICAL DATUM OF 1988

□	STONE MONUMENT FOUND	no	area	250	ft	LIGHT POLE
⊙	CAST IRON MONUMENT FOUND	•	SEEN			
⊕	POWER MONOPOLE	•	BULLDOZ			
⊗	POWER PILE	•	BUSH			
⊙	ELECTRIC VAULT	•	CONFERENTIAL			
⊙	TELEPHONE POLE	•	DECIDUOUS			
⊙	SANITARY MANHOLE	•	UNDERGROUND			
⊙	CATCH BASIN	•	UNDERGROUND			
⊙	AREA DRAIN	•	CONCRETE			
⊙	ROOF DRAIN	•	BITUMINOUS			
⊙	WATER GATE VALE	•	CONCRETE			
⊙	WATER SPOUT	•	GRAVEL SURF			



LINE TABLE			DISTANCE
LINE NO.	BEARING		
L1	S007°01'E		15.00
L2	S007°59'59"W		6.50
L3	S89°56'59"W		78.60
L4	N007°01'W		25.00
L5	N89°56'59"E		15.00
L6	S007°01'E		6.00
L7	S44°56'59"W		68.00
L8	S007°01'E		32.00
L9	S75°30'32"W		57.00
L10	S89°56'59"W		35.00
L11	N62°57'52"E		29.00
L12	S69°56'59"W		89.00
L13	S49°24'54"W		57.00
L14	S89°59'59"W		100.49

NOTICE: THIS DRAWING HAS NOT BEEN PUBLISHED AND IS THE SOLE PROPERTY OF T-MOBILE - MINNEAPOLIS MARKET AND IS LENT TO THE BORROWER FOR THEIR CONFIDENTIAL USE ONLY, AND IN CONSIDERATION OF THE LOAN OF THIS DRAWING, THE BORROWER PROMISES AND AGREES TO RETURN IT UPON REQUEST AND AGREES THAT IT WILL NOT BE REPRODUCED, COPIED, LENT OR OTHERWISE DISPOSED OF DIRECTLY OR INDIRECTLY, NOR LISTED FOR ANY PURPOSES.

THE SIGNED DRAWING IS THE CORRECT RECORD DOCUMENT, NOT THE AUDIO CASSETTE.

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA

DATE 11/13/08 REC. NO. 40035

Joseph J. Carr

EDGCUMBE REC CENTER
A1Q0622
SURVEY

320 Griggs Street S
St. Paul, MN 55105

A1Q0622-Survey

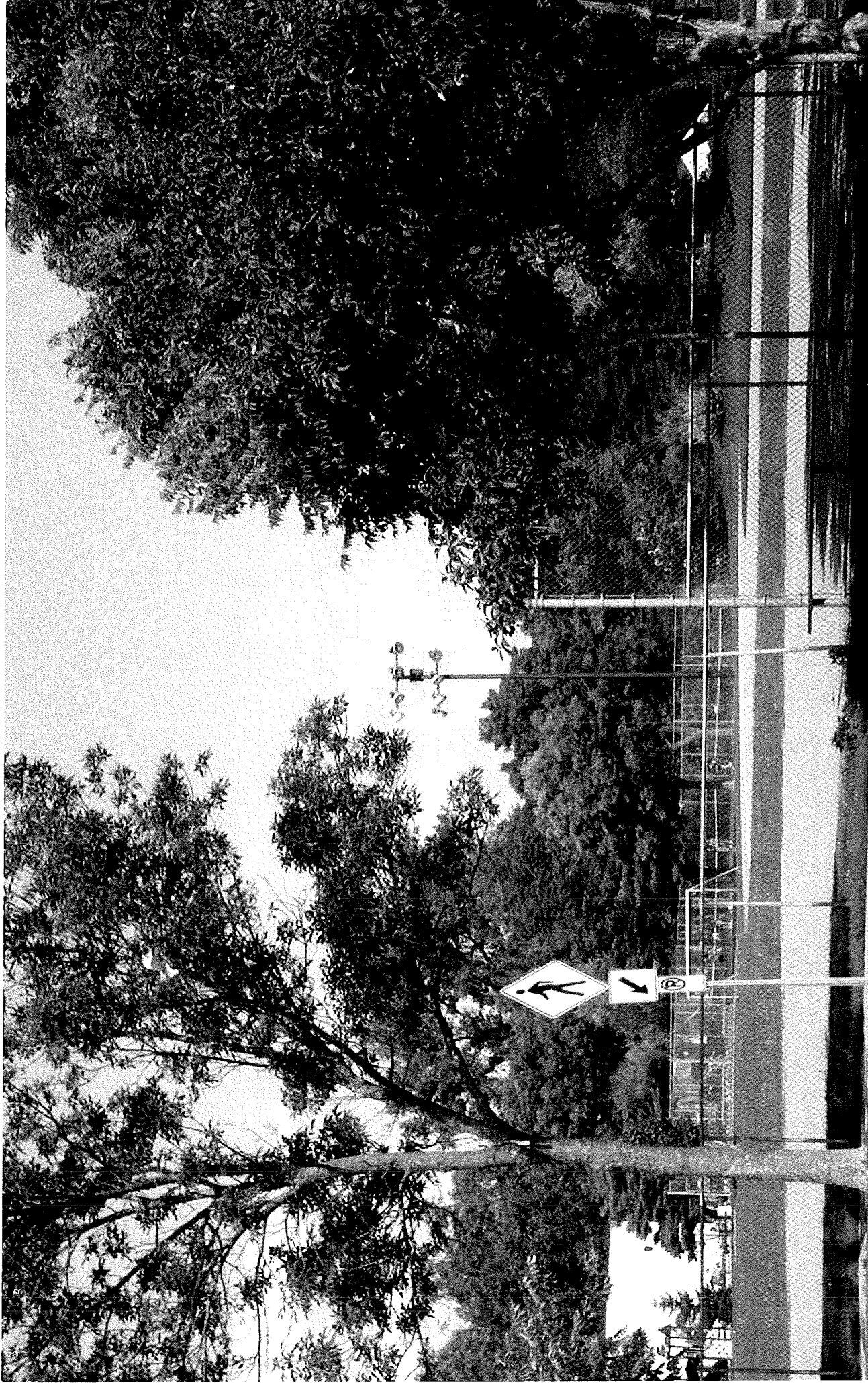
[†]MICHAEL E. CANNON

OTHER THAN WHICH IT IS FURNISHED.

MUNNIAFOLIA MARKA.

[illegible]

[illegible]



View Type: Original Photograph

Site Address: 320 South Griggs Street

City: St. Paul **State:** MN

Site Number: A1Q0622

View Description: Looking north at a proposed location of light pole replacement tower and equipment.



View Type: Simulated Photograph

Site Address: 320 South Griggs Street

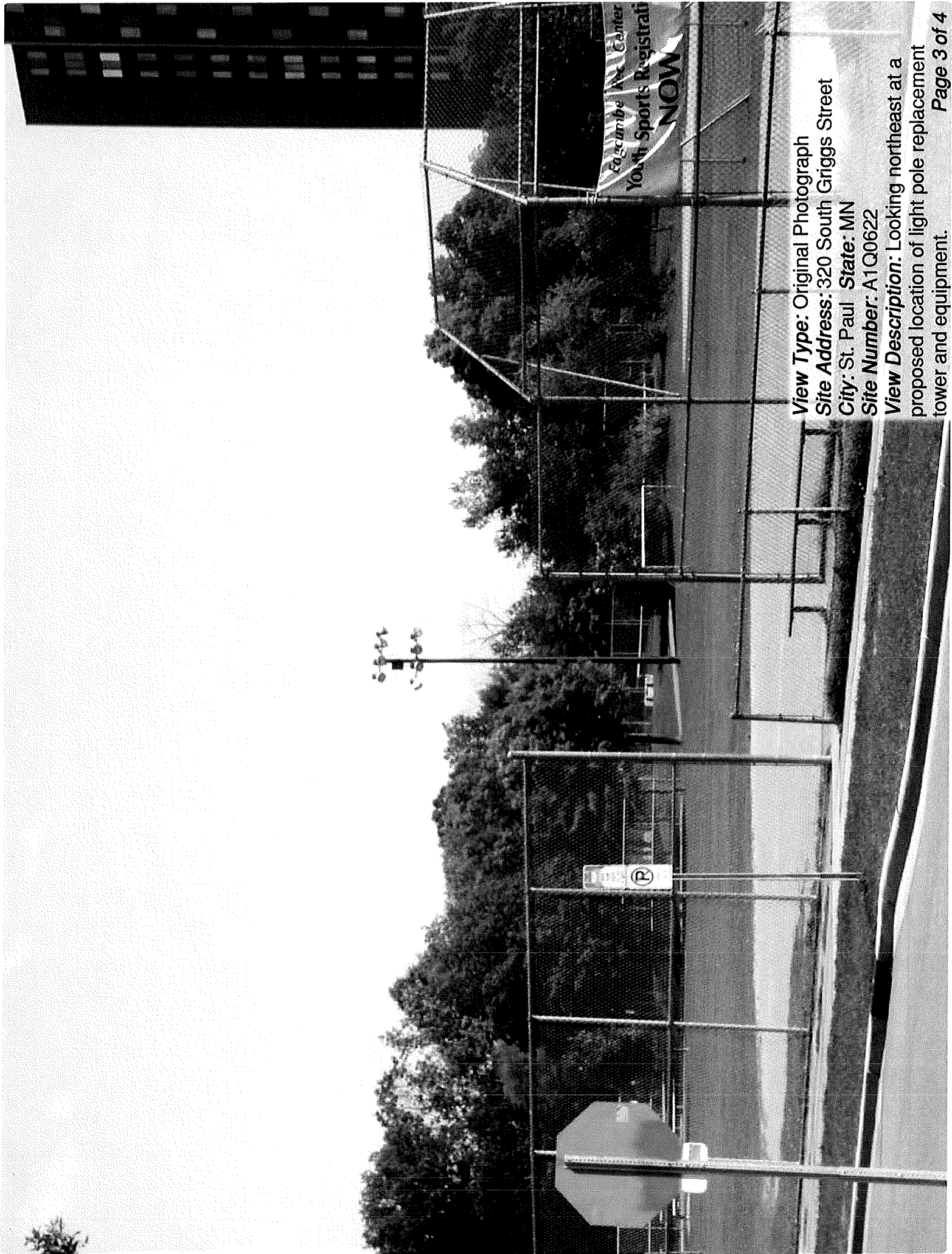
City: St. Paul **State:** MN

Site Number: A1Q0622

View Description: Looking north at a proposed location of light pole replacement tower and equipment.

Page 2 of 4

Disclaimer: This picture is an artist's rendition of the completed site layout prior to construction. The completed construction may vary in layout, dimension, and color from the above picture.



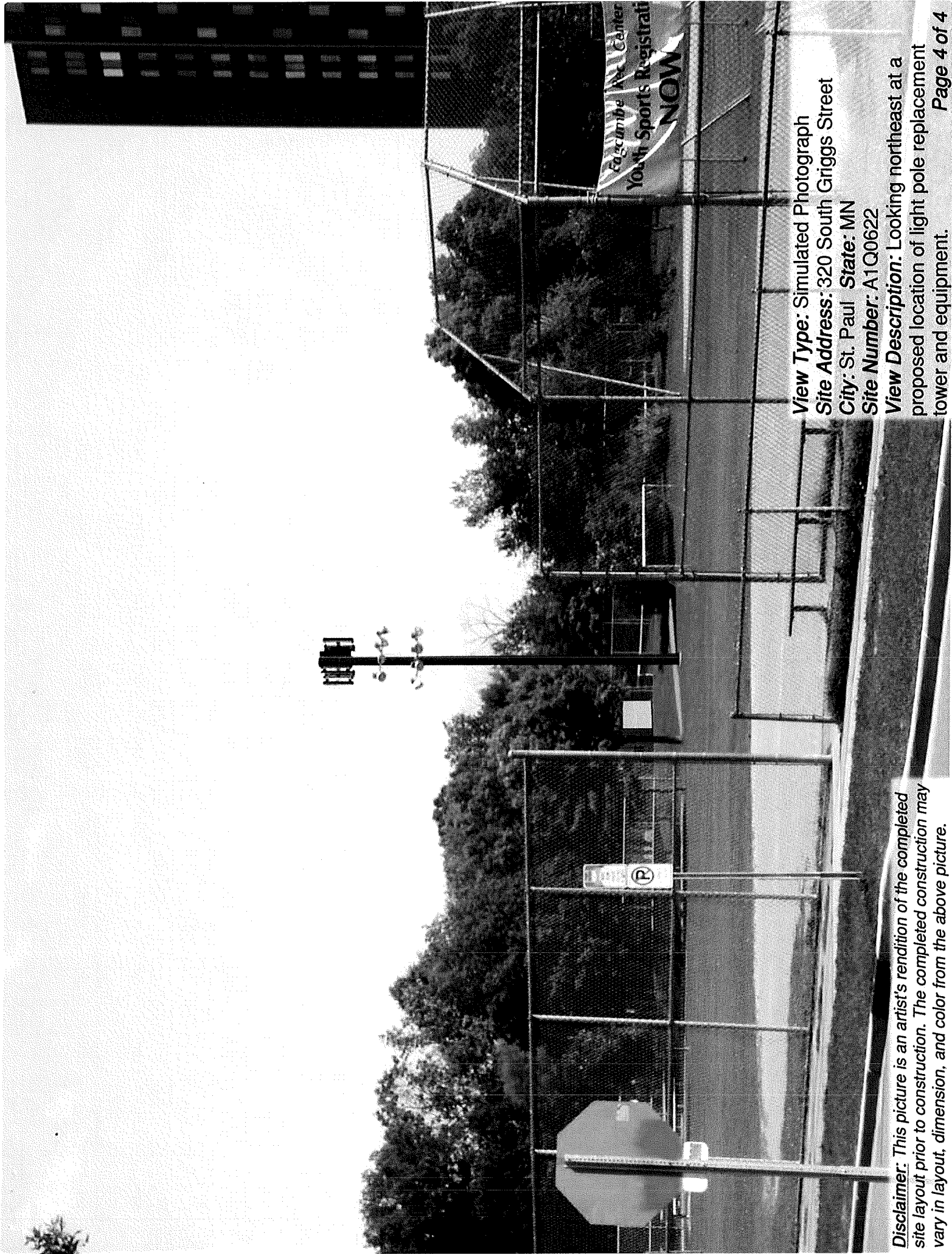
View Type: Original Photograph

Site Address: 320 South Griggs Street

City: St. Paul **State:** MN

Site Number: A1Q0622

View Description: Looking northeast at a proposed location of light pole replacement tower and equipment.



View Type: Simulated Photograph

Site Address: 320 South Griggs Street

City: St. Paul **State:** MN

Site Number: A1Q0622

View Description: Looking northeast at a proposed location of light pole replacement tower and equipment.

Disclaimer: This picture is an artist's rendition of the completed site layout prior to construction. The completed construction may vary in layout, dimension, and color from the above picture.

Samantha Langer - Fwd: T-Mobile (Edgcumbe Rec) Proposal

From: Sarah Zorn
To: Langer, Samantha
Date: 4/7/2010 4:19 PM
Subject: Fwd: T-Mobile (Edgcumbe Rec) Proposal

Correspondence for 320 S. Griggs.
 SZ

>>> Matthew Willkom <mwillkom@gmail.com> 4/7/2010 1:22 PM >>>

Hello Sarah:

Thank you for answering my initial questions regarding the proposed T-Mobile monopole/antenna at the corner of Griggs and Jefferson. The following is a more extensive explanation of the conditions I would like to propose. In the year 2000, the FCC opened up the very first application window for low power fm radio (LPFM's), in which non-profit entities could apply for either 10 or 100 watt stations, which have the power to cover a radius of about 5 miles. These stations operate on only a fraction of the cost of full-power stations, since, for example, they do not have to be staffed. One can simply flip a switch and walk away - only having to pay for the ongoing electricity and maintainence. Immediately before this filing window, groups such as the National Association of Broadcasters and NPR tried to demonstrate that these stations would cause significant interference to full power stations if placed too close to them in the frequency band. Congress was initially convinced of this, and thus limited the LPFM filing window to mainly rural areas.

However, since that time, it has been proven to all parties that these stations would not interfere with full-power broadcasters as they had claimed. To remedy this and to allow full access of the public to their airwaves in every locality, a piece of legislation has been introduced and has already been passed by the U.S. House of Representatives. This bill has broad bipartisan support, and once The Local Community Radio Act (S592) passes the Senate and is signed into law, the FCC has stated that it intends to open another LPFM filing window soon thereafter. The conditions under which I propose T-Mobile be allowed to go ahead with its plans at Edgcumbe are as follows: That, after such time as a construction permit is obtained for such a station at the aforementioned site, T-Mobile would pay for the construction of the station (currently approximately \$20k). The station could be owned by a separate non-profit entity to ensure no taxpayer money went to it, while the city of St. Paul could agree to house the facility at Edgcumbe Rec. Center, with a separte utility meter. The minimal costs to maintain the station could be paid by local business underwriting.

This would be a great way for T-Mobile to not only make a profit in our community, but to show that it genuinely cares about the communities it serves. The area we call home is truly a community within a city, and a local broadcast voice where virtually anyone of good will could be involved would not only add to that sense of community, but the general quality of life we enjoy in this part of the city.

Kind regards,
 Matt

--
 Matt Willkom
 1196 Edgcumbe Rd.
 St. Paul, MN 55105
 612.251.9329
mwillkom@gmail.com

#10-127-535
320 S. Griggs

Sarah Zorn - communications antenna

From:

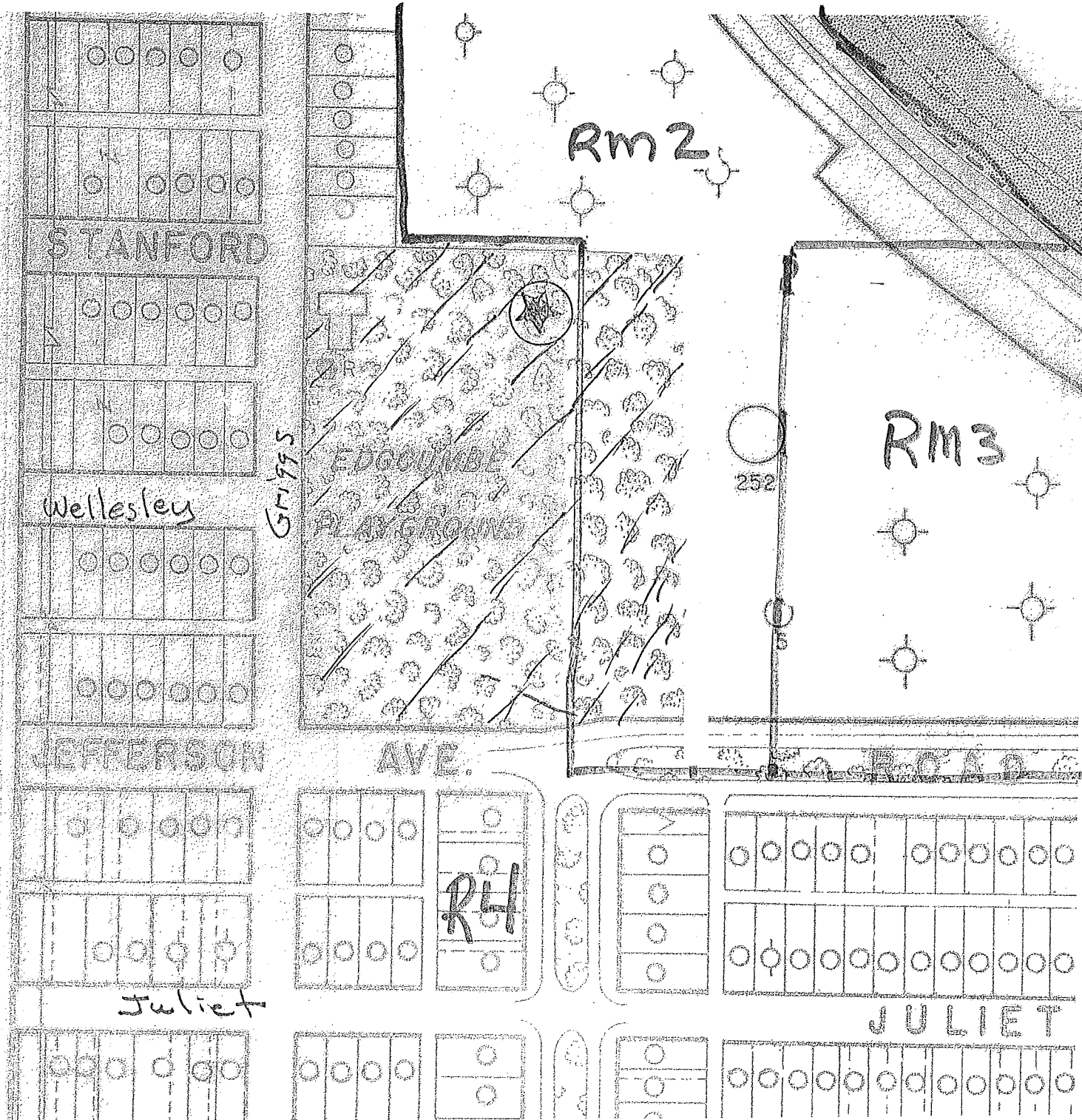
To:

Date: 4/6/2010 3:38 PM

Subject: communications antenna

We'd like to go on record as supporting the placement of a wireless communications antenna on a 75ft monopole at Griggs and Jefferson.

Carl & Elna Otto
1145 Edgcumbe Rd
St Paul MN 55105



APPLICANT Fm HC Corp
 PURPOSE CUP
 FILE # 10-127535 DATE 3-25-10
 PLNG. DIST 14 MAP # 27
 SCALE 1" = 400'



LEGEND

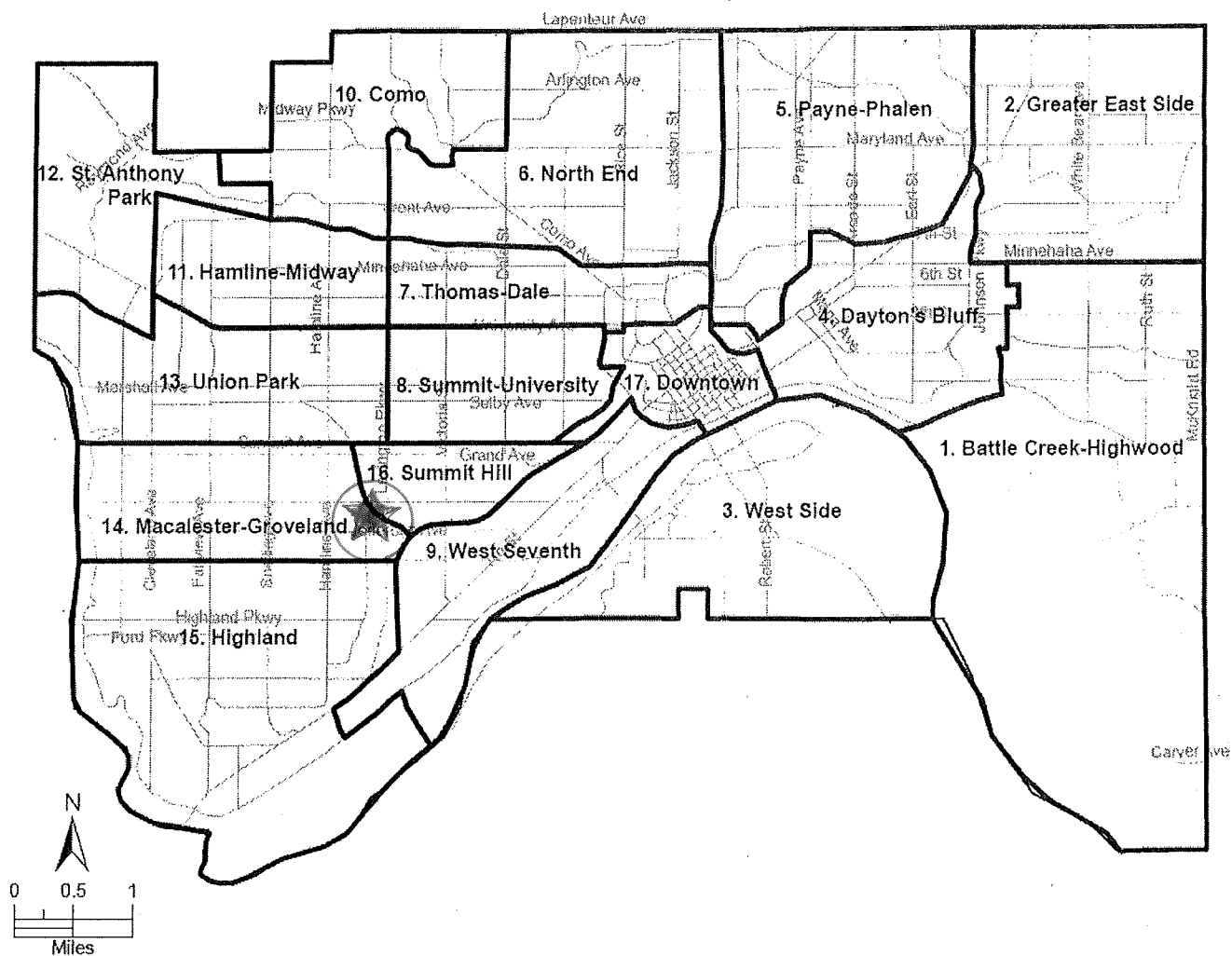
zoning district boundary

subject property

one family
 two family
 multiple family

north
 commercial
 industrial
 vacant

JAMES



Source: City of Saint Paul

CITIZEN PARTICIPATION PLANNING DISTRICTS

1. SUNRAY-BATTLECREEK-HIGHWOOD
2. GREATER EAST SIDE
3. WEST SIDE
4. DAYTON'S BLUFF
5. PAYNE-PHALEN
6. NORTH END
7. THOMAS-DALE
8. SUMMIT-UNIVERSITY
9. WEST SEVENTH
10. COMO
11. HAMLINE - MIDWAY
12. ST. ANTHONY
13. UNION PARK
14. GROVELAND-MACALESTER
15. HIGHLAND
16. SUMMIT HILL
17. DOWNTOWN

#10-127535

Request for Continuance

Date April 8, 2010

Richard Kramer, Chair
Zoning Committee
City of Saint Paul
1400 City Hall Annex
Saint Paul, Minnesota 55102

Re: Zoning File # 10-125508

Dear Mr. Kramer:

I am the applicant or the applicant's duly appointed representative for this zoning file.

I request a continuance of the public hearing on the application in this zoning file, which is presently scheduled before the Zoning Committee on April 15, 2010.

I understand that a continuance of the public hearing before the Zoning Committee means that the decision of the Planning Commission on this application, which is presently scheduled for April 23, 2010, will also be continued.

I request that the Zoning Committee continue the public hearing for this zoning file to May 13, 2010. I understand that the Planning Commission would then be scheduled to make their decision on May 21, 2010.

I am aware of and understand the statutory requirements found in Minn. Statute § 15.99 (1995) requiring the City of Saint Paul to approve or deny this application within sixty days of its submission. I desire to extend the sixty day period for a City decision under Minn. Stat. §15.99 by 20 days to June 7, 2010, to accommodate the continuance I am requesting.

Sincerely,

[Signature]
Signature of Applicant or
Applicant's duly appointed
representative.

Rick Mendlik
Printed name of Applicant or
Applicant's duly appointed
representative.

2/25/2010